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4 SELECT COMMITTEE TO INVESTIGATE THE
5 JANUARY 6TH ATTACK ON THE U.S. CAPITOL,
6 U.S. HOUSE OF REPRESENTATIVES,
7 WASHINGTON, D.C.

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11 DEPOSITION OF: JASON MILLER

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15 Thursday, February 3, 2022

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17 Washington, D.C.

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20 The deposition in the above matter was held via Webex, commencing at 10:04
21 a.m.

22 Present: Representatives Aguilar, Lofgren, Murphy, Cheney, and Kinzinger.

1 Appearances:

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3 For the SELECT COMMITTEE TO INVESTIGATE

4 THE JANUARY 6TH ATTACK ON THE U.S. CAPITOL:

5

6 [REDACTED], STAFF ASSOCIATE

7 [REDACTED], INVESTIGATIVE COUNSEL

8 [REDACTED], STAFF ASSOCIATE

9 [REDACTED], RESEARCHER

10 [REDACTED], SENIOR INVESTIGATIVE COUNSEL

11 [REDACTED], CHIEF INVESTIGATIVE COUNSEL

12 [REDACTED], INVESTIGATIVE COUNSEL

13 [REDACTED], DETAILEE, DEPARTMENT OF HOMELAND SECURITY

14 [REDACTED], CHIEF CLERK

15 [REDACTED], SENIOR TECHNICAL ADVISOR

16 [REDACTED], STAFF ASSOCIATE

17

18 For THE WITNESS:

19

20 NATHAN MUYSKENS

21 MICHAEL PUSATERI

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2 [REDACTED] It is 10:04 a.m., and this is a deposition of Jason Miller conducted by
3 the House Select Committee to Investigate the January 6th Attack on the United States
4 Capitol pursuant to House Resolution 503.

5 So, at this time, I'd ask you, Mr. Miller, to introduce yourself. State your name,
6 spelling your last name for the record.

7 The Witness. Jason Miller, M-i-l-l-e-r.

8 [REDACTED] Very good. Thank you.

9 This will be a staff-led deposition, and then, if members decide to join, they may
10 choose to ask questions as well. I know we talked about that just a minute ago off the
11 record, but we are proceeding via Webex, a virtual deposition here, and you'll be able to
12 see people joining as they join on the right-hand side participant list. But I'll also try to
13 announce their presence so that you're aware of them. And they may join -- excuse
14 me -- may seek to ask some questions as well.

15 My name is [REDACTED]. I'm a senior investigative counsel for the select
16 committee. With me in the room is [REDACTED] -- I may have not pronounced
17 that correctly -- and also [REDACTED].

18 As I mentioned before, we may have others joining as well, including [REDACTED],
19 chief investigative counsel to the committee, who I expect to join in just a few minutes.
20 And then, like I said, if we have anybody else joining on the Webex link, I'll try to
21 announce them. But of those that are present on Webex right now, [REDACTED],
22 investigative counsel, as well as [REDACTED], counsel to the vice chair, Liz Cheney.

23 You'll also see that there are official reporters who have joined. They are going
24 to be the ones who are taking the official record of the proceeding today. There are a
25 few of them, and they kind of cycle in and out, just a matter of House practice. But

1 there will be one continuous record for the entire deposition.

2 And, as you've probably heard just a second ago, this is also being recorded via the
3 Webex platform, but the official record is the transcript, and you'll have an opportunity to
4 review that transcript after this deposition.

5 Because it is being taken by an official reporter and with a court reporter, we just
6 ask that you let me or whoever is asking a question finish the question before you
7 respond, and we'll do our best to let you finish your answer before we -- before we ask
8 our next question as well.

9 Does that all make sense?

10 The Witness. Yes.

11 [REDACTED]. Very well. As far as the ground rules, we did provide with the
12 subpoena the deposition rules for the House of Representatives, and we do -- are going
13 to be following those today.

14 Under those rules, counsel for other persons or government agencies may not
15 attend, but you are allowed to have your attorney present. I know that you are with
16 your attorneys right now.

17 So if your attorneys could please introduce yourself for the record.

18 Mr. Muyskens. Thanks, [REDACTED]. This is Nathan Muyskens from Greenberg Traurig
19 representing Mr. Miller, and I'm joined by my colleague, Michael Pusateri, who is another
20 attorney here at Greenberg.

21 [REDACTED]. Very good. And we have your spelling of your name,
22 Mr. Muyskens, but could you please have your colleague spell his last name for the
23 record?

24 Mr. Pusateri. Yes. Good morning. P, as in Peter, u-s, as in samba, a-t, as in
25 tango, e-r-i.

1 ██████████. Excellent. Thank you so much.

2 In this deposition, we're going to ask that you provide complete answers based on
3 your best recollection. And, understanding that some of these events happened a while
4 ago, it may be natural that you don't remember everything, and that's perfectly fine. If
5 you don't remember something or don't have a perfect recollection of it, please just say
6 so. We may have some followup questions that just try to jostle your memory or see if
7 there is something else that refreshes your recollection. But please don't hesitate to say
8 if you don't remember something.

9 If a question is not clear, which I fully anticipate some of my questions not being
10 models of clarity, please ask for clarification, and we will clarify. This is not a gotcha.
11 We're not trying to kind of -- I don't know -- ask questions in such a way that are
12 confusing and lead to incorrect answers. We just want to get to the facts and, if a better
13 question or me asking in a different way is helpful, please let me know that.

14 You may only refuse to answer a question to preserve a privilege recognized by
15 the select committee. If you do refuse to answer a question based on privilege, there
16 are a couple options. We can either proceed with the deposition, or seek a ruling from
17 the chairman. If the chairman overrules an objection, you would be required to answer.

18 At this point -- this could change, I guess, later, but at this point, I anticipate just
19 going through the deposition, getting any objections you might have on the record, and
20 then us proceeding kind of at the end of it. Although that -- it is possible that that
21 changes, but we just have to see how it proceeds.

22 Do you make -- does that make sense?

23 The Witness. Yep.

24 ██████████. Okay. Now, I do want to remind you that, because this is a
25 deposition and you are speaking to Congress in an official proceeding of Congress, it's

1 unlawful to deliberately provide false information. And, since this deposition is under
2 oath, providing false information could result in criminal penalties for perjury and/or just
3 false statements like 18 U.S.C. 1001.

4 Do you understand that, Mr. Miller?

5 The Witness. Yes.

6 [REDACTED] Okay. So, at this point, then, I'd ask that you stand and raise your
7 right hand to be sworn by the reporter.

8 The Reporter. Do you solemnly declare and affirm under the penalties of perjury
9 that the testimony you are about to give in this matter will be the truth, the whole truth,
10 and nothing but the truth?

11 The Witness. Yes.

12 The Reporter. Thank you.

13 [REDACTED] We are about to jump in, but I just -- as far as logistically, if you
14 need a break at any time, please let us know. Comfort break, if you need an opportunity
15 to speak with your counsel, we can go off the record and mute everything and go off
16 camera. So just let us know at any time.

17 I do expect that this is probably going to go all day. So, also, if you need a lunch
18 break or any other kind of food break, please let us know that as well.

19 All right. So we're going to put up exhibit No. 1, and I'll just let you know that we
20 are planning to show you exhibits via screen share. Let us know if you have any trouble
21 with that.

22 [REDACTED] And can you see the exhibit that just came up? It should be a
23 copy of the subpoena that you received?

24 Mr. Muyskens. You know, it's got this customize your view. There is
25 a -- something from your computer is covering the top part of it.

1 [REDACTED]: On our end?

2 [REDACTED]: No, it's on their end.

3 [REDACTED]: I think that may be on your end.

4 Mr. Muyskens. Okay. We'll try to fix it. There is --

5 [REDACTED]: What portion of the screen? Can you see where it says
6 "subpoena" at the top?

7 Mr. Muyskens. Yeah. My bad. It's on our end. There's something that
8 wants us to put an update or something in there. Sorry. My bad.

9 [REDACTED]: Okay. Can you see it now?

10 Mr. Muyskens. Yep. Perfect.

11 [REDACTED]: Excellent. And are you able to read it?

12 The Witness. Some of the words.

13 [REDACTED]: Okay.

14 The Witness. I can see -- there we go. That's a little better?

15 [REDACTED]: All right. So logistically, too -- and, if there is ever a point where
16 you want us to zoom in, we can do that, make it a little bit easier for you.

17 EXAMINATION

18 BY [REDACTED]:

19 Q Now that we have that established, do you understand that you're appearing
20 here today pursuant to this subpoena that's exhibit 1 with your name, Jason Miller, on it?

21 A Yes.

22 Mr. Muyskens. You know --

23 [REDACTED]: Part of that --

24 Mr. Muyskens. -- just if I could interrupt one second.

25 We -- you know, after doing a thousand of these Zoom depositions, whatever, if

1 we do run into a problem with exhibits, you're more than welcome to just quickly email
2 me the PDF, and I can put it onto an iPad here, and we can go through it. And then I will
3 delete it, destroy it, whatever afterwards. But if that -- if that's something that would
4 help you, we're absolutely willing to do that as well.

5 [REDACTED]. Okay. I appreciate that, Mr. Muyskens.

6 BY [REDACTED]:

7 Q Part of the subpoena required you to produce documents and information,
8 including electronically stored information. You understand that, right?

9 A Yes.

10 Q And have you reviewed the schedule of requests, either individually or with
11 your attorney?

12 A Yes.

13 Q Did you search for records that are responsive to the subpoena scheduled?

14 A Yes.

15 Q And have you produced to the select committee all the documents and
16 communications in your possession, custody, or control that are responsive to the
17 request in the subpoena?

18 A Yes.

19 Q I just want to go through some of those specifically. We won't go through
20 all of your efforts there. But, to get a better understanding of what you looked for, did
21 you go through any hard-copy documents, including notebooks, meeting notes, binders
22 that you might have?

23 A I don't have any meeting notes or binders following that -- that time period.

24 Q Okay. How about any handwritten notes for that time period?

25 A No.

1 Q You did not go through them, or you don't have any? I'm sorry.

2 A Sorry. I do not have any.

3 Q And then electronically stored documents, you have a laptop, I understand.

4 You went through that?

5 A Yes.

6 Q Is that a personal laptop?

7 A Yes.

8 Q Do you also have -- did you have a campaign laptop for the period that is

9 included in the subpoena?

10 A No.

11 Q Did you have another work laptop?

12 A No. I have the same laptop.

13 Q Okay. And that's the one that you reviewed for purposes of responding to

14 the subpoena?

15 A Correct.

16 Q All right. Now, as far as emails, I know you've provided emails from your

17 campaign account. Is that right?

18 A Yes.

19 Q Did you search that account for responsive information?

20 Mr. Muyskens. You know, [REDACTED], just to -- obviously not revealing any
21 attorney-client or work product privileges, but what happened -- and I know I'm not the
22 witness, nor under oath -- is Mr. Miller turned over his laptop, his accounts, et cetera, and
23 his law firm conducted the various searches, and we reviewed the documents.

24 So Mr. Miller certainly was kept in the loop and was informed of what we were
25 doing, but he -- he's probably not the best -- he -- I would argue his knowledge of the way

1 a, you know, Am Law Top 20 law firm would do a document review is probably not -- not
2 great.

3 [REDACTED]. Fair enough. I appreciate that clarification.

4 Mr. Muyskens. Sure.

5 [REDACTED]. And I understand his reliance on counsel for doing this.

6 BY [REDACTED]:

7 Q But, as far -- to clarify my question, then, did anyone other than your
8 lawyers, without giving any privileged information, do any searches or conduct searches
9 for relevant information on your behalf?

10 A Not that I'm aware of.

11 Q Okay. So, at the campaign -- did you coordinate your document
12 production, for example, with members of the campaign or whatever is left over of the
13 campaign?

14 Mr. Muyskens. You know, again, I think that's -- we -- we at Greenberg took care
15 of the document production. I'm happy to discuss it offline with you later on how we
16 did it, but it's not something that Mr. Miller necessarily has firsthand knowledge of.

17 [REDACTED]. Okay. Fair enough.

18 BY [REDACTED]:

19 Q Let me just ask this, then. Did you coordinate, you personally, with
20 members of the campaign or the President's lawyers in order to respond to
21 document -- the document request in the subpoena?

22 A I worked with my counsel on all production matters.

23 Q Okay. And did that include you having conversations with the former
24 President or members of the former campaign?

25 A Not specific to my documents, no.

1 Q All right. And did -- did the -- did individuals associate -- associated with
2 the President's campaign, the former President's campaign and the campaign structure
3 influence at all the production of documents that you made to the select committee?

4 A Again, I worked with my counsel on all document production.

5 Q Did -- so, in your particular experience, did any of those people affect or
6 influence the documents that you produced to the select campaign -- the select
7 committee? Excuse me.

8 A I can't speak to anything other than giving all my documents to my counsel.

9 Q So the documents that you have, you provided to counsel?

10 A The documents that I have, yes, I provided to my counsel.

11 Q And did you receive documents from individuals from the campaign for
12 purposes of responding to the select committee?

13 A For purposes of responding to this, no.

14 Q Okay. Is --

15 Mr. Muyskens. Just to be perfectly clear, [REDACTED], I'm absolutely -- during a break or
16 something, I can walk you through exactly what we did, you know, absent anything that
17 would waive any sort of privilege, to make you feel better. But we -- we, A, did not walk
18 Mr. Miller through exactly how we conducted -- how we conduct all of our document
19 reviews and searches. But, you know, again, happy to explain it to you, if necessary.
20 But, again, I'm not the witness, nor am I really part of this, so --

21 [REDACTED]. Sure. I appreciate that. And I'll follow up with you,
22 Mr. Muyskens, on that.

23 BY [REDACTED]:

24 Q As far as personal email accounts, did you look in personal email accounts
25 that you have to produce documents that are responsive to the select committee?

1 A Again, all of my -- I handed over my computer and all of my documents to
2 my counsel, and I'll defer to my counsel for answering that question.

3 Q Sure. I understand. I just want to make sure that I'm clear, though, that,
4 apart from your computer, you may have, like, internet-based personal accounts. I
5 don't know. But did you make that -- all of that accessible for purposes of producing
6 documents to the select committee?

7 A Yes. I provided access to all of my various accounts or documents to my
8 counsel.

9 Q Okay. And, as far as cell phones, one of the requests is for electronically
10 stored information. That would include text messages.

11 Did you review your text messages to see if you had anything that's responsive to
12 the subpoena?

13 A I did not have anything that dated back that far.

14 Q Why is that, Mr. Miller?

15 A I typically -- after I go through my text messages, typically delete those as if
16 it's a task item that I'm crossing off the list.

17 Q And did you check to make sure that you had done that with all responsive
18 messages in this case?

19 A I'm sorry. I don't entirely understand the question.

20 Q Yeah. I know that that's -- seems like a practice of yours to go through and
21 delete text messages, but did you actually review your phone, your electronically stored
22 data, to ensure that you had nothing left that would be responsive to the select
23 committee's subpoena?

24 A I mean, I literally have really less than ten text messages even on my phone,
25 so it's not a massive universe of text messages.

1 Q Did you have a campaign phone at the time?

2 A No.

3 Q Just your personal phone?

4 A Correct.

5 Q Did you use any messaging applications, like Signal, WhatsApp, Telegram,
6 anything like that?

7 A During the course of the campaign and during the time period in question?

8 Q Yes, sir.

9 A I do not recall that being a regular practice around that time, although I can't
10 say completely that I never would have used one of those messaging apps. But I don't
11 recall that being a common practice during that time period when I was working for the
12 President.

13 Q Did you search your phone to see if you did during that relevant time
14 period?

15 A Again, I don't have anything that's -- that's even that old.

16 Q On any account anywhere?

17 A Correct.

18 Q And, to be clear, messaging accounts like the ones I just mentioned, for the
19 record.

20 What about social media? Did you have a Facebook account that you reviewed
21 for anything responsive to the subpoena?

22 A In my Facebook account and social media, I don't recall going back and
23 looking at my social media.

24 Q Is that something you'd be willing to do after this deposition to see if you
25 have anything responsive?

1 A It's public, so sure. I don't mind looking back, and I don't -- you know, I
2 don't recall going through my social media.

3 Q Okay. And fair point on the public stuff. We'd be more interested in, like,
4 private messages that were exchanged over Twitter or Facebook or any of those private
5 social media accounts that you have.

6 A And, again, to -- to anything like that, I wouldn't have anything that's -- that's
7 that old.

8 Q Okay. I'll work with your lawyer on that stuff just to make sure it's all
9 covered, but I totally appreciate the fact that it sounds like you typically get rid of
10 messages like that.

11 Did you use Parler --

12 Mr. Muyskens. [REDACTED], just for what it's worth and on the record -- and, again, I'm
13 not under oath -- you know, all devices were provided to counsel. We did what we
14 would do in any -- with any grand jury subpoena, any civil action subpoena, and they
15 were processed, et cetera. Again, not getting into kind of work product privilege here,
16 but, again, you're more than welcome -- we can talk about it afterwards.

17 And, by the way, you know, obviously, as we've been, you know, very cooperative,
18 we -- that certainly extends to after this interview. You know, if you guys have a list of
19 things you'd like us to look for that you think we may have missed, you know, we're more
20 than happy to do whatever we can to make sure you guys have everything you need to
21 conduct your investigation.

22 [REDACTED]: I appreciate that. Thank you, Mr. Muyskens. I think what we'll
23 do, then, is I will be in touch, and we can talk about some of those issues, just to make
24 sure that everything is covered. I have no reason to doubt the efforts that you guys
25 have made, Mr. Muyskens, in reviewing all the information that's been provided and that

1 you've taken in.

2 BY [REDACTED]:

3 Q So, Mr. Miller, if you don't mind -- and I want to start by going through your
4 professional background.

5 A Sounds like you graduated from college in 1997. Is that right?

6 A Correct.

7 Q Okay. You went to work as a staff assistant to Senator Gorton,
8 Washington?

9 A Yes. Worked for him during college and immediately after.

10 Q Okay. And you went then to, I think, Darrell Issa's campaign for Senate in
11 California. Is that right?

12 A Correct.

13 Q It looks like you worked on a few other campaigns as well, including
14 Darrell Issa's congressional campaign and Mayor Giuliani's Presidential campaign, and
15 then you became a partner and executive vice president at Jamestown and Associates.
16 Is that all correct?

17 A Yes.

18 Q It looks like you were a digital and communications adviser for Ted Cruz's
19 Presidential campaign as well in maybe early 2016?

20 A Communications adviser. There was an early Washington Post story that
21 said digital, but I was not a digital adviser on the campaign. It was communications and
22 advertising.

23 Q Okay. What -- and what's the distinction there, if you don't mind?

24 A A distinction would be I was not advising the Cruz campaign with regard to
25 digital strategy, social media, digital advertising, things of that nature. It was more

1 communications and traditional television, radio advertising, things of that nature.

2 Q I see. Thank you for clarifying for that.

3 After that, you became, I believe, a senior communications adviser for the 2016
4 Trump Presidential campaign. It looks like that was roughly the June to November
5 timeframe. Is that correct?

6 A Correct.

7 Q And then you became a spokesperson for the transition team, and that
8 lasted roughly through January of 2017?

9 A Correct.

10 Q Fast forwarding, it looks like you rejoined the campaign for the 2020
11 Presidential campaign around June of 2020. Is that right?

12 A Correct.

13 Q What were you doing in that period between the 2016 campaign and 2020
14 campaign?

15 A Yes. I worked at a global CEO advisory firm, Teneo. And then I also did
16 some smaller public affairs projects, and I was a podcast cohost and some things of that
17 nature before rejoining President Trump's campaign.

18 Q Did you continue to stay in touch with the then-President or his aides,
19 former campaign folks?

20 A As far as the President himself, sporadically during those years and with
21 his -- my people who I had worked with on the campaign or friends in the White House, I
22 would be in contact with. It would vary how frequently from person to person. Some
23 are more personal friends. Some, I might bump into or things of that nature, but -- but,
24 the President himself, I'd say it's probably sporadically during those years.

25 Q And, those sporadic contacts you've had with the President, were those

1 business relationships or -- excuse me -- business contacts or official -- or personal
2 contacts? I'm sorry.

3 A As far as my communication with the President during that stretch, that was
4 usually more -- maybe a media idea or something that was more specific to helping him
5 or offering feedback on something. It was more of that nature.

6 Q Was he a client, or was this just kind of pro bono, continuing to work
7 alongside the President effort?

8 A Just continuing to work alongside and remain a friend of the administration.

9 Q Okay. And, after the campaign, it looks like, in January 2021 through June
10 of 2021, you were the chief spokesperson for the former President at that point. Is that
11 right?

12 A In his post-Presidency phase, yes.

13 Q Were you in Florida with the President, or was that something you did
14 remotely from here?

15 A A combination of both. I was officially based in suburban Washington, D.C.,
16 but with frequent trips to Florida.

17 Q And then I think you became the CEO of GETTR, G-E-T-T-R, starting around
18 June of 2021? Is that when you left the President's staff as chief spokesperson?

19 A Yes.

20 Q In the period that you worked as a senior adviser to the campaign, which is
21 roughly June 2020 through January 2021, who did you work with?

22 A Initially, Brad Parscale was the campaign manager. And then, at a certain
23 point, he took a reduced role with the campaign, and Bill Stepien and Justin Clark were
24 probably the two other senior most people on the campaign that I most frequently
25 interacted with, but obviously interacted with a lot of people. But, of the senior most

1 people, those were the two on the campaign I probably interacted with the most.

2 Q Did you report to them? In other words, were they your superiors?

3 A I would say that, with Bill Stepien being the campaign manager, obviously, I
4 was in close contact with him. But the President has a very flat organization, and so
5 direction can come from a number of different places, including the President himself.
6 But I don't know if we ever officially clarified that -- that Bill was my boss or not, but I did
7 effectively everything in concert with Bill, or at least strove to as he was a teammate.

8 Q Okay. And you mentioned Justin Clark. He's an attorney. Is that right?

9 A Yes. And he was the deputy campaign manager and counsel on the
10 campaign.

11 Q Would you go to him for legal issues, I assume?

12 A I'm not a lawyer, so I would -- if there were legal issues that -- whether it be
13 Justin Clark -- he'd probably most frequently be the attorney that -- that I would work
14 with. But, yeah, because, again, I'm not a lawyer.

15 Q Yeah. Fair enough. And what about Tim Murtaugh? What was your
16 relationship like with him on the campaign?

17 A Yeah. Tim was the -- I believe his title was the communications director,
18 and so I worked with him very frequently during the -- during the campaign.

19 Q What were your responsibilities for the campaign?

20 A It shifted over time. When Brad Parscale took a step down, I increased and
21 was working with the team on strategy and communication matters.

22 Q Where did your job end and Tim Murtaugh's start? I guess was there
23 overlap, and were there differences?

24 A I would say that Tim was more active in the day-to-day news cycle. So, for
25 example, he would manage the communications team directly hands on, and they're a

1 pretty big, wide-ranging team. I would work with Tim to set strategic direction for
2 where we're going, and of course there'd be various things where I'd be granularly
3 involved in other things where I would defer and let Tim run his shop. But, again, Tim is
4 someone I worked with very closely.

5 Q Who -- did you have your own team of people separate from Tim's team?

6 A I had a small group of people that -- that I would interact with and might not
7 necessarily be in Tim's vertical, so to speak. But, to the best of my ability, it was a
8 collaborative -- collaborative effort. I don't know if I'd necessarily define it as,
9 quote/unquote, "my team," but there were -- there were people that I interacted with on
10 a daily basis that might not necessarily have reported to Tim.

11 Q Who are those people, aside from Brad Parscale, Bill Stepien, and Justin
12 Clark?

13 A So the advertising team, for example. So whether that be Kailynn Door
14 (ph), who led our advertising efforts, or whether it be my assistant from the -- from the
15 campaign, but, again, those were -- it was a collaborative process, and so -- yeah. Like I
16 said, some of the people may not have worked directly for Tim, but I would have worked
17 with on a frequent basis.

18 But, again -- and the campaign was a very flat structure, and the -- most of the
19 decision tree things went up through Justin and Bill. Obviously, I would weigh in. I
20 mean, I would chime in, but I didn't necessarily have a -- I wasn't necessarily, day to day,
21 managing all of the people.

22 Q Okay. So the mechanics maybe of messaging was more on Tim's side.
23 The strategy is something that you would get more involved in in coordination with him
24 and his team. Is that fair?

25 A But, again, as I described earlier, there would be -- sometimes there would

1 be places where I might get granularly involved. Other times, there are things I might
2 hand off and defer to Tim completely. Again, it was a collaborative effort.

3 Q Okay. Can you give us some examples where you'd get granularly involved
4 and why?

5 A Maybe if there is example where, say, I'd spoken with the President directly
6 and wanted to put out a specific message, and I was relaying that. That could be an
7 example.

8 Or, if I had a particularly good idea, or if, say, I was participating in a reporter call,
9 things of that nature, where obviously I was going to be speaking and wanted to know
10 sort of what direction it was going to go. I mean, obviously if I'm speaking, I'm
11 participating in a -- speaking on a call, then obviously I'm a participant.

12 Those would be several examples.

13 Q Okay. You mentioned speaking to the President. How often would you
14 speak with the President between -- I guess I'll just start with the period November -- like
15 election day up until early December?

16 A Of 2020?

17 Q Yes.

18 A I would say -- I would say, on most days, but there were a couple of stretches
19 where it might not be every single day. Maybe it might be a couple times a week or
20 every other day. But I would say, during many of those stretches, it would be most
21 days.

22 Q Okay. And I appreciate that I'm asking you to kind of guess here and make
23 an average. So we won't hold you to a specific number, but that's very helpful to get
24 context.

25 What about in the preelection period, when you -- I believe you started working

1 with the campaign in June. So, up until November, how often would you speak to the
2 President on average?

3 A It would slowly ramp up over the month of June, but I would say, by the time
4 that we got to maybe July, but definitely August, it was most of the -- I'd say the median
5 would be couple of times a day, frequently. But, again, there were also stretches where
6 I might talk to him two or three times on a given day, and then maybe not talk to him for
7 a day or two.

8 And so it's a -- it's -- it was a little bit less -- a little bit less regimented, but more
9 frequent in the preelection run-up, I would say, probably than the November to
10 December time period that you outlined.

11 Q Okay. And what about the December through January period? Same
12 question: How often, on average, do you think you were speaking with the President?

13 A Good question. To the best of my memory -- and it's been a while. It's
14 been over a year that we're talking about this. I would say, on -- it wasn't necessarily
15 every day, but I would say it was probably on most days.

16 So, for example, the week between, say, Christmas and just after New Year's,
17 when I went with the family to Palm Beach Shores for my mother-in-law's time share, I
18 think I maybe only spoke with him once or twice during that week, or there might be, you
19 know, say, a weekend where I might not have or may not have -- excuse me -- connected
20 with him.

21 But, again, I'd say, probably the majority of days, I probably did speak with him at
22 least once. But I -- but, again, it's tough to remember back with any true precision.

23 Q Fair enough. And I appreciate the context you're giving us here.

24 How would you speak with him? Would he call you? Would you call him?
25 Would you meet with him in person?

1 A All of the above.

2 Q Okay. How -- if you needed to talk to him, how would you reach him?
3 Did he have a cell phone that you used? Did you call the switchboard?

4 A Switchboard.

5 Q Did you ever contact him on a personal cell phone while he was the
6 President?

7 A I don't -- I do not believe I was ever given that number. I would always call
8 the switchboard, and then, even if he was remote, they could patch me through to him.

9 Q Did -- do you know if he had a cell phone, though, even if you didn't have the
10 number?

11 A I don't know. I would -- I don't -- I don't recall ever calling him on a cell
12 phone, and I -- I believe every time would either be him reaching out to me, which would
13 be the -- again, it would be the White House switchboard that would call up and say,
14 "Please hold for the President," or I would call through the switchboard, or, on occasion, I
15 might call through his executive assistant, Molly Michael, on -- on her landline.

16 Q Okay. Now, when we're talking about where you get granularly involved
17 or -- I jumped into some of the messaging specifically. You mentioned that it could be
18 after having a conversation with the President. I assume that, as the candidate, he's
19 kind of the ultimate decider of things.

20 Would you consult with him frequently about the messaging that was coming out
21 of the campaign?

22 A I mean, I'm not trying to be evasive, but how would you define "frequently"?

23 Q Yeah. Well, I -- weekly about the messaging that was coming out of the
24 campaign?

25 A It's -- again, I would say it would be tough to say, I mean, because there were

1 certain periods of activity when it might be -- say, if there is breaking news, or say there is
2 some major development where it might be numerous calls in a stretch, or even going
3 over to the White House to speak with him directly.

4 Other times, if it's a bit slower, sometimes there would be weekend days where it
5 would be -- where it would be less, but it's -- but certainly I was speaking with him. It
6 just -- it's not something I committed to memory, here, I spoke with him this many times
7 a day on this kind of day, or, you know, zero times the next. I just regularly interacted
8 with him, of course.

9 Q Did he come up with ideas for advertisement or messaging that he wanted
10 the campaign to put out?

11 A He was very involved as far as having different ideas that he liked and
12 wanting to see ads, most of the time before they went out the door.

13 Q I assume -- it sounds like you've worked on a lot of campaigns. I have not.
14 I assume that's probably true for many candidates involved in running for office; they'd
15 want to be in the loop on the messaging that's going out. Is that fair?

16 A Correct. And it's also -- it's one of the larger expenditures on any
17 campaign, and so any candidate typically pays attention to what the message is that's on
18 television.

19 Q And, besides just kind of strategy or general ideas, would the President be
20 involved in actually reviewing scripts for TV ads, for example, or messages written down
21 that you were going to tweet out or blast out some other way?

22 A I'm trying to think back. I don't recall with any specificity conversations
23 about scripts in advance before something was produced. Certainly there were
24 different ads that were presented to the President, and he said go and change them, or
25 that's a bad image, or this ad's good, or this ad's terrible -- the whole wide range. But

1 I -- I don't have a clear enough recollection on the -- the preproduction script process.

2 Q Okay. Fair enough. And that -- a perfect example of where my question
3 could be a little bit better.

4 So it sounds like maybe you presented draft ads, like a draft completed product,
5 but maybe not the script that is a piece of paper. Is that -- is that -- my understanding
6 there, is that correct?

7 A Usually that would be the case, yes.

8 Q Okay. And so he'd have the final say, for example, okay, this is good to go,
9 or, you need to change this in some way?

10 A In many cases, yes, but not -- not 100 percent of the time.

11 Q Understood. All right. That's really helpful. Thank you.

12 So it sounds like, as a strategy person, among other things, you had a social media
13 role. Is that right?

14 A As far as me posting to social media myself?

15 Q Just in general, strategy, but we will get to that part. But strategically,
16 social media was something that you had a role in. Is that fair?

17 A I guess I'm not entirely understanding -- you mean as far as the campaign's
18 social media or the President's social media? I guess I'm not entirely understanding
19 what you're asking.

20 Q Okay. With respect to the campaign, was it part of your job to develop
21 social media strategy?

22 A Just -- and I'm sorry. I'm not trying to be evasive here, but when you say
23 social media strategy, there are a whole bunch of different parts to that. For example,
24 there is the -- there is the fundraising part, which was its own complete different world,
25 and I most of the time would see those communications once they had already gone out.

1 Sometimes there were certain communications I might see in advance, say, a
2 fundraising solicitation. I was not the person who managed the campaign's, say,
3 Instagram or Facebook. There were other people who went and did that.

4 There might be, say, a war room account that would put out alerts that I did not
5 manage but sometimes I'd make a recommendation for pushing something out.

6 But, as far as the accounts that I actually personally managed, there
7 were -- they're my own. So that's -- I can speak probably a little more specific to that.

8 Q On those accounts that you said you could manage and were your own, do
9 you mean they were your personal accounts as opposed to the campaign or the
10 candidate's accounts?

11 A As far as that I was accessing and managing and doing, say, for Twitter would
12 be the most frequent vehicle, then -- then, yes, I wrote my own -- wrote my own tweets
13 and put those out. So that was -- that was the account that I actually managed.

14 Q To drill down on that, did you have authority to post from
15 @realDonaldTrump, the Twitter account?

16 A Oh, no. No.

17 Q Who had that authority?

18 A My understanding was it was the President and Dan Scavino. And, even
19 with Scavino, it was only under certain circumstances.

20 Q Was your understanding with respect to Mr. Scavino that he would do it at
21 the President's direction, meaning post to the @realDonaldTrump account?

22 A That was my understanding, but, again, since I was not working in the White
23 House and I -- frequently there'd be obviously regular interactions between Dan and the
24 President I can't speak to because I wasn't there. But, from just what I would observe,
25 that would typically be the case.

1 Q On that point, did you ever have an official administration role?

2 A I never -- I never worked in the administration, no.

3 Q Okay. So never a government employee during the Trump administration?

4 A Not during the Trump administration.

5 Q As part of your campaign duties, did you have to monitor what was going on
6 on social media with respect to the President or the campaign?

7 A I don't know if it was, say, spelled out in a job description, but it was
8 something that I regularly did, yes.

9 Q Why was that important that you did that?

10 A For a couple of reasons. One, obviously the President was very active with
11 social media, so I want to keep tabs on what he was posting. But then, also, speed kills
12 in campaigns, and frequently the things would pop on social media before they would
13 make it into media publication.

14 Q When you say "speed kills," what do you mean? You've got to stay ahead
15 of the story?

16 A You have to stay tuned in. Sometimes you might not be ahead of a story,
17 but you need to be cognizant of what's happening in the environment. And
18 it's -- whether it be the media or opponents or allies or the President himself.

19 Q So, to that end, I'm just going to go through some sites. I mean, would you
20 monitor -- maybe "monitor" isn't the right word, but would you try to stay aware of what
21 was happening on sites like Twitter?

22 A I would certainly try to stay aware of what was happening, not necessarily
23 going to the website, but, say, the mobile app, just what people I was following and what
24 they might be posting. But, you know, Twitter does all the things with the algorithms,
25 and so, you know, sometimes you see things; sometimes you don't.

1 Q Understood. What about Instagram? Was that something you followed
2 to stay aware?

3 A Not as much during the campaign or when I worked for President Trump.
4 Now that I'm a CEO of a social media company, I pay much closer attention to Instagram
5 and Facebook and things like that. But it was primarily Twitter when I was working for
6 the President.

7 Q All right. And there's some other websites where -- and social media
8 platforms, I think, is probably the better way of saying it -- where the President had a
9 following. So, like Parler, I understand that -- was a -- was another outlet for sending
10 messages and then also observing what was going on. Is that something that you stayed
11 tuned into?

12 A So my understanding is that President Trump never had a Parler account.

13 Q Oh.

14 A So --

15 Q -- what about members of the administration? I understand that
16 Mark Meadows, for example, had a Parler account. Were you aware of that?

17 A I don't remember Chief Meadows having a Parler account. Parler is
18 a -- they're a marketplace competitor now, but they're a pretty terrible product, so try
19 not to spend too much time on that -- that platform.

20 Q Okay.

21 [REDACTED]. And I'll just note for the record that Ms. Zoe Lofgren, a member of
22 the select committee, has joined us.

23 BY [REDACTED]:

24 Q Even if you didn't have an account, is that something you'd pay attention to,
25 what was happening on the platform?

1 A Yeah. Sorry. I didn't mean to imply that I did not have an account. I do
2 have a Parler account. It's just not something that regularly active with. And, on
3 occasion, might look at, but it's very -- compared to my platforms, it's very clunky, and it's
4 just not very good, so the user interface isn't exceptional.

5 Q I see. What about Gab? And, staying kind of focused on the period, I
6 guess, slightly preelection up and through January, is Gab a platform that you were aware
7 of and paying attention to?

8 A I had heard of it, but those guys are all a bunch of whack jobs. So I have an
9 account on there just, again, to monitor -- I wouldn't even count them as a marketplace
10 competitor, but just additional social media platforms.

11 I don't remember when I actually created a Gab account, but since they're not on
12 any of the app stores, I think I've maybe gone to the platform a handful of times. But,
13 again, not -- not something that I was a regular participant in.

14 Q What about Reddit and TheDonald.win? Those are websites where I
15 understand there is discussions about the President often. Is that something that you
16 would monitor during that period, like November through January?

17 A Not that I recall going to. Sometimes, when I've gone to Reddit, it might
18 be -- sometimes more kind of pop culture feedback on, say, shows or, you know, possible
19 fan theories about fiction type shows, but not a regular viewer of Reddit for political type
20 or breaking news type commentary.

21 Q All right.

22 ██████████. And I note just two things for the record. Ms. Stephanie Murphy,
23 member of the select committee, has joined. Ms. Liz Cheney, vice chair of the select
24 committee, has now joined. And in the room with us is ██████████, the person I
25 introduced earlier, chief counsel to the select committee.

1 BY [REDACTED]:

2 Q So, just to follow up on that, I understood on the Reddit. What about
3 TheDonald.win? Is that something you were monitoring or watching in the
4 post-election timeframe?

5 A No. I would sometimes see references pop up in news stories, but usually
6 that would be, say, a left-of-center gossip publication, like something like The Daily Beast
7 or Salon or something like that that would be attacking commentary on -- maybe that had
8 to do with that. But that was not a site or a platform that I was monitoring for political
9 news or things that would impact my daily life.

10 Q Did you have an account on either of those two that I just mentioned, Reddit
11 or TheDonald.win?

12 A I don't recall ever creating an account. Usually, when I would -- if I would,
13 say, look at something on the pop culture front, I would just be on the web-based -- but,
14 again, it's so infrequent that I don't recall ever creating an account during that timeframe.

15 Q For either of those websites, correct?

16 A Just to be clear, which websites again?

17 Q Yeah. Let's just go one by one. An account for Reddit?

18 A I do not -- during that timeframe, I do not believe that I ever created an
19 account.

20 Q Okay. And the timeframe from the November 2020 election through
21 January 2020, did you have an account for TheDonald.win website?

22 A Through January of 2021?

23 Q I'm sorry. Yes. Thank you.

24 A I do not recall ever creating an account on that -- I guess what do they call it?
25 Is that a sub Reddit, or what are they even called?

1 Q Yeah. So there was a Reddit that turned into TheDonald.win. I believe
2 there was -- the Reddit account was, I think, TheDonald, if that's right, and then that
3 turned into TheDonald.win ultimately, so --

4 A So it was not -- I'm sorry. This is not something that I was frequently
5 looking at. Was this something that was still on Reddit, or off to its own platform, then?

6 Q Yeah. So I'd offer to you -- I mean, you may know more about it than me,
7 frankly, but there is a separate platform, TheDonald.win. And I guess the question was:
8 Did you -- do you remember having an account, either creating one in that timeframe or
9 just having one, in the timeframe between November of 2020 and January of 2021?

10 A I do not recall creating an account during that time period. If I even saw
11 anything, it was most likely maybe a link that was on Twitter that maybe I clicked on to
12 see what something was. But I do not recall spending any real time on any of those, and
13 I do not recall setting up my own account.

14 Q Okay. Do you know if anybody in the White House was following websites
15 like those that we just mentioned? So Reddit, TheDonald.win, Instagram, things like
16 that?

17 A Well, you threw a few -- can you list those out again, because there was kind
18 of a wide range.

19 Q Yeah. Sure. Yep. Fair enough. So do you know if anybody at the
20 White House was monitoring, for example, TheDonald.win for political news?

21 A I do not know if anyone was actively monitoring that, no, I do not know.

22 Q Did you ever talk to Dan Scavino about that website, TheDonald.win?

23 A I don't remember on -- particularly to TheDonald.win. I remember one
24 time in passing, we had a -- and I don't -- this could have been any time during 2020, so
25 that it may not have even been in that time period. There is a passing conversation

1 where he said that people forward things to him that might pop up in some of these.

2 But it was implied that he was not monitoring himself, but sometimes people might send
3 something to him.

4 Q Okay. What about the President? I mean, was he interested in what was
5 happening on sites like Reddit or TheDonald.win?

6 A Not that he ever discussed with me.

7 Q Okay. Did you ever bring posts or messages that had been posted to either
8 of those, the Reddit or TheDonald.win, to the President's attention?

9 A I don't recall ever bringing something from those. Again, the only time that
10 I -- I don't remember any specific examples, but maybe something was posted on Twitter
11 that happened to link back to something. I may have clicked to see -- I would not
12 regularly go through any of those sites myself and look.

13 Q What about Twitter? Would you share Twitter messages that you saw that
14 were important with the President?

15 A If there was something that was breaking news, then I might call him and
16 flag something for him, or -- or maybe I'd call his assistant or maybe Dan Scavino.

17 Q What about Mr. Meadows? Same thing?

18 A I had a lot of conversations with Chief Meadows. Don't recall any
19 specifically that were, say, about -- say: Hey, Chief, here is this tweet, but I certainly
20 would not rule it out.

21 Q As far as the messaging that was coming out of campaign and that you were
22 helping with the strategy on, would you coordinate that with the RNC?

23 A On occasion.

24 Q When would you coordinate something with the RNC, and when wouldn't
25 you?

1 A Typically, if it was a joint event or joint release or if it dealt with the legally
2 permissible coordination funds that pertained to, say, advertising.

3 Q So, if there was a message that -- well, let me rephrase that. Were there
4 messages that the campaign worked on that were paid for by the RNC?

5 A Again, everything -- when you start getting into kind of the legal parameter
6 as far as the funding, obviously everything that was done from the campaign was cleared
7 by lawyers. There are various funding mechanisms. I'm not a lawyer or an election
8 lawyer, but I know that there are certain things that say have joint disclaimers or things
9 like that, especially toward the -- the end of the -- the campaign. But, again, it's
10 a -- sometimes I'd interact with the RNC, but not -- not necessarily -- excuse me -- on
11 everything.

12 Q Who would you interact with at the RNC?

13 A The -- there would be the -- the chairwoman, Ronna McDaniel, her chief of
14 staff. I believe it's Richard Walter. Walter or Walters, one of the two.

15 And then I think there are some folks in the research shop. I don't -- those are
16 the names that come to mind most immediate, or most immediately. Excuse me.

17 Q Okay.

18 ██████████. And we're going to get into some more specific types of messaging
19 and messaging that went out, but, at this point, I would just ask if anybody on the Webex
20 or in the room have any questions about what we've gone over.

21 ██████████. I have a quick followup, Mr. Miller.

22 BY ██████████:

23 Q Going back to your background, you briefly mentioned that you served as a
24 podcast host. Is that right?

25 A Yes.

1 Q Was that the podcast with Mr. Steve Bannon, War Room?

2 A Yes.

3 Q Okay. And what -- approximately what timeframe were you cohosting with
4 Mr. Bannon's War Room?

5 A Yeah. I think we started the War Room Impeachment during the -- I
6 believe that was October of 2019, and then I was an active podcast participant with
7 Mr. Bannon up until the point when I returned to work for the President.

8 Q So that would have been around June 2020?

9 A May. I believe I did it until May, and then I had back surgery and was out
10 for a week or two, and -- I believe it was just a week, and I went right to the campaign.
11 So it went pretty quick.

12 Q And, when you went to go work for the campaign around June 2020, did you
13 still do any work with Mr. Bannon on his podcast?

14 A On the podcast, I did a little bit of stuff for him in -- I believe it was in June.
15 I did a little bit of stuff for him as far as helping with some show ideas. I think I put
16 together some talking points for him once for a media interview, but I believe that only
17 extended through -- I think that was just through June. So there is a slight overlap.
18 Maybe there is -- maybe there is a little bit of stuff into -- into July, but there is
19 just -- there is a little bit of overlap.

20 Q Okay. And I don't think we got on the record. During that time period
21 of -- I think it was when you stopped, when you were the chief spokesperson -- correct
22 me if I'm wrong -- for the Trump transition team, and that ended, I believe, in
23 January 2017. Up until you began working for Mr. Trump's reelection campaign in
24 June 2020, where were you living?

25 A So I was in suburban Washington, D.C.

1 Q Okay. And I think you mentioned that you had an assistant -- is that
2 right -- with the Trump campaign?

3 A Correct.

4 Q And what was your assistant's name?

5 A Kingsley Cortes, with an S.

6 Q And what kind of tasks, just generally speaking, would Kingsley Cortes help
7 you with?

8 A Largely administrative, but also schedule, calendar, helping to get me
9 prepared for meetings, those types of things.

10 Q And would Kingsley go with you if you ever met with the President, like in
11 the White House?

12 A The only time I recall Kingsley ever going to the White House was -- it was
13 later. Maybe it was November, December, post-election, when the President had in a
14 few folks that either didn't interact with him frequently or had never met him but were
15 still effectively kind of helping out.

16 Q So just to say hello or thank you for your work?

17 A A little bit of that. I mean, it was a little bit of that, but also just to -- I think
18 it was also a little bit kind of a pep talk, I think.

19 Q Okay.

20 [REDACTED]. And we can get more into those meetings later, but thank you
21 for that.

22 [REDACTED]. I just note for the record that Mr. Aguilar, select committee
23 member, has also joined. Good morning.

24 BY [REDACTED]:

25 Q All right. So, moving on a little bit from that kind of background, which is

1 all very helpful, based on public statements at the time and the documents that you
2 produced to us, we understand that part of the campaign's messaging concerned integrity
3 of the election and anticipated fraud in the election.

4 Is it fair to say that this messaging predated when you joined in June of 2022 as a
5 senior adviser?

6 A To my best understanding, yes. There were a number of State-level and
7 local-level litigation battles that were playing out over the way that rules were being
8 changed, my perspective, under the guise of COVID, or other people might say because of
9 COVID. But there were a number of those things that were going on well before I
10 arrived.

11 Q When you joined in June of 2020, was it a goal of the campaign to put out
12 messages about election integrity?

13 A I don't think that I could say that it was one of my goals. I think that -- that
14 it was something that was communicated on occasion. Certainly the President would
15 communicate himself regarding those matters. Not being an election lawyer, again, and
16 also not being someone who is active at some of these State-level or county-level battles
17 over voting, with so much coming at me, that was not an area that I had particularly
18 focused on. There were other people to do that.

1

2 [11:02 a.m.]

3 BY [REDACTED]:

4 Q Did you have any role in developing the messaging on mail-in ballots before
5 the election?

6 A It was certainly something that I know that I discussed with the team. I
7 know it was something where we had some conversations about it with regard to polling
8 and what it looked like the propensity or likelihood would be of people doing mail-in
9 voting. So that was certainly something that I discussed.

10 And I would probably say the one place where I most -- that I most remember
11 weighing in on was with regard to Florida or States where Republicans traditionally have
12 done well with mail-in voting and urging the team members to not completely discredit
13 mail-in voting, particularly in places where it's something that was to our advantage.

14 Q Who do you remember encouraging on the team not to totally discount
15 mail-in voting?

16 A Well, certainly I know that was something that I discussed with both the
17 President and the senior campaign team members and the pollsters.

18 Q What was the President's reaction to that when you talked to him?

19 A Again, as you pointed out, much of the debate around mail-in ballots and the
20 voting integrity was already well-formed prior to my rejoining the campaign during that
21 stretch, but there was already a lot of preexisting concerns, particularly in places where it
22 was viewed that the changes were being made in an unconstitutional fashion. And
23 that's, I think, where a lot of these court battles were playing out.

24 So I know that there were something in the neighborhood of several or maybe
25 even four dozen different litigation matters all around the country. And I would hear it

1 be brought up, say, in meetings, but it wasn't something that I particularly internalized
2 on, say, specific legal efforts.

3 Q Just to be specific, though, I think you mentioned having conversations with
4 the President about mail-in voting. Can you tell us about those conversations? What
5 did you say and what did he say that you recall?

6 A I remember the President voicing concern about things such as chain of
7 custody and his concern for making sure that there was election integrity. I remember
8 those were a number of -- those are kind of the top-line concerns that he seemed to be
9 worried about.

10 Q And when you said that you talked to him about not discounting or
11 discouraging mail-in voting, what was his response to that?

12 A He didn't disagree with regard to what I was saying, but he was pretty
13 steadfast in his concern that, if we're going to ensure election integrity, that there needed
14 to be tighter supervision and regulation over mail-in ballots, particularly in the States
15 where they're sent out even when not requested.

16 Q And we're going to talk about some of those specific documents you
17 provided. But, you know, was it a concern that mail-in voting seemed to be favoring
18 President Biden over President Trump? Was that something you discussed with the
19 President?

20 A It's -- I'll say that in the pre-election period it was not something that I
21 particularly focused on. There were certainly discussions about it, but, again, not being
22 a lawyer, not being involved in any of the litigation matters, any of the -- say, for example,
23 when a case would come up in a various State, so that's not something that helps move
24 voting numbers or your support level, so it was something that I'd defer and let other
25 people on the team really run point with.

1 Q Sure. And I'm thinking more from a strategy perspective. Was there a
2 discussion about the fact that mail-in voting tended to -- or seemed to be helping
3 President Biden more so than it would help President Trump? Did that weigh in to the
4 messaging decisions?

5 A The context that I remember it coming up was more focused to the legality
6 and ensuring election integrity and the concerns for potential fraud and abuse. That
7 was where I remember most of the focus being.

8 Q And you say "most" there. Just to be specific, did the issue of mail-in voting
9 likely helping candidate Biden more than candidate Trump, did that come up in any
10 discussions?

11 A I remember it came up in the polling conversation or at least one polling
12 conversation that we had where it just showed that Biden voters were more likely to
13 embrace mail-in voting and Trump voters were more likely to embrace election day
14 voting. But that's not exactly a shocking revelation.

15 Q And did that affect messaging about the integrity of mail-in voting?

16 A I'm sorry. Are you asking if -- did what affect the conversation about the
17 integrity? I'm sorry.

18 Q Did discussions about the fact that mail-in voting was likely to help President
19 Biden over President Trump affect the messaging and the decision to put out messages
20 about election integrity with respect to mail-in voting?

21 A I don't recall exactly what my actions were during that stretch, other than to
22 say, "Don't discount mail-in voting for Florida." And I think I maybe also may have
23 thrown Arizona into that category; Republicans have done particularly well. I mean,
24 again, any of the conversations specific to voting integrity were well-hatched way before I
25 got on board.

1 Q Okay. And we will get to this, too, and we're going to look at it in context
2 of some of the documents you provided, including, I believe, a poll you just mentioned.
3 But that's helpful.

4 As far as the messaging is concerned, did you work with the legal team leading up
5 to election day? And I guess I'd specifically say Rudy Giuliani. Did you work with him?

6 A I don't recall working with Rudy on the voting irregularity or fraud or
7 concerns of mismanagement or irregularities until post-election.

8 Q Okay.

9 A Certainly I know I had a number of conversations with the mayor during the
10 campaign, but those would typically be if we needed the mayor to go do, like, a surrogate
11 appearance or if he was going on an interview and wanted to just connect on messaging
12 or something of that nature. But the mayor was not -- I don't recall the mayor being
13 granularly involved until post-election.

14 Q What about Jenna Ellis? Did she have a role before the election?

15 A Yeah. I guess. So Ms. Ellis and I didn't necessarily work well with each
16 other, so we had more limited interactions.

17 Q Okay. But -- and fair enough. I think we may get into some of that. But
18 did she have a role before the election on the campaign?

19 A I mean, I guess. I don't know. She was just a big distraction.

20 Q What was she doing before the election? Was she a surrogate as well, or
21 did she actually help a little bit more with advising and strategy?

22 A I didn't see any advising or strategy, but she definitely was a surrogate.

23 Q What did you see with respect to her before the campaign?

24 A I'm sorry, what was that?

25 Q You said you didn't see strategy or advising that Ms. Ellis did before the

1 election. What did you see Ms. Ellis do before the election?

2 A She would go on TV and make statements that weren't always accurate.

3 Q Was that something that the President or the campaign asked her to do, go
4 on TV?

5 A I think that she would frequently present things as though she had been
6 asked by the President to do things, and in a couple of specific instances I caught her
7 saying things that she was told to do that the President had not told her to do.

8 Q Do you remember what those specific instances are?

9 A I tried to block all that out of my memory for peace and sanity reasons.
10 Not really in -- not really in particular. I think it was just, like, some aspect of messaging
11 or something.

12 Q Do you know if the President had asked her to go on sometimes, even if not
13 the occasions you're talking about right now?

14 A The President thought that she was very good on television. Just, I think
15 we had differing opinions about her efficiency as a campaign surrogate.

16 Q Do you remember what your opinions were?

17 A Yeah. Suboptimal.

18 Q In what way?

19 A Not someone who I would have put as my maybe first, second, or third
20 choice to be out there speaking on behalf of the campaign.

21 Q And there are lots of reasons, presumably, for doing something like that. I
22 mean, somebody might just be a bad communicator or not answer questions well.
23 Some people may not tell the truth, or any other reason. Do you remember what
24 reason it was that you thought that about Ms. Ellis before the election?

25 A I would say, inability to stay focused on messages that helped move voters

1 toward the President.

2 Q Did you ever think that she didn't tell the truth?

3 A Well, I know that to be an example for a couple of things, but nobody's
4 perfect. But I just -- again, not someone who I'd go out of my way to try to work with.

5 Q Understood. What are the things that you think she didn't tell the truth
6 about, other than whether the President told her to say something or not?

7 A Oh, there were a couple instances regarding certain interviews to go and
8 participate or not participate in, or I think some of the off-message aggressiveness in
9 some of the interviews. There were a couple of staff personnel things later on that were
10 inaccurate that weren't helpful.

11 [REDACTED]. And I'd just note that Mr. Kinzinger, a select committee member,
12 has also joined us.

13 BY [REDACTED]:

14 Q And just to finish up there, Mr. Miller, is there anything in particular that
15 stands out that she did not truthfully convey when she appeared on TV for the campaign
16 or the President?

17 A There's not a specific time of her being on TV when something was said
18 that -- there was not something where I remember there was something that was
19 intentionally misleading that was said on TV. It was more, I think one time she popped
20 off about the now-Vice President, and I had to reprimand her on that. There were
21 just -- there were a few other instances of media interviews that went significantly off
22 track.

23 Q Okay.

24 What about John Eastman? Did he have a role with the campaign or President
25 before election day?

1 A Not that I'm aware of. I don't believe that I've ever spoken directly with
2 Mr. Eastman. I do not believe that I've ever met him. So that's someone I didn't even
3 know who he was until post-election.

4 Q What about Sidney Powell? Did she have a role on the campaign before
5 election day?

6 A Not that I'm aware of pre-election. And then I think I've only met her the
7 one time post-election, but -- yeah, again, not someone who I have a history of
8 interacting with.

9 Q Do you know a person named Ken "Cheesebrough" or Chesbrough?

10 A I've read the name. I think maybe in one case there was some election
11 document or something or election fraud document post-election, some research report,
12 something of that nature. I don't remember ever meeting this person. Again, I think I
13 was kind of in a -- I think he was someone who probably worked with Mayor Giuliani at
14 some stretch in the post-election phase.

15 Q What makes you think he worked with Mr. Giuliani? Is there anything
16 specific?

17 A No. That was just doing my best to be as helpful as possible.

18 Q Okay.

19 [REDACTED]. Any questions about that that we just went over?

20 [REDACTED]. A quick followup.

21 BY [REDACTED]:

22 Q Mr. Miller, I think you said for Ms. Ellis that she had -- and I'm
23 paraphrasing -- an inability to stay focused on messaging that you believed would help
24 move more voters to President Trump.

25 Can you just give an example of, like, the kind of messaging that maybe she would

1 give that you felt wasn't helpful for helping move voters to Trump?

2 A Yeah, well, in my opinion, most of the times that she would appear on TV, it
3 wasn't helpful to moving voters to President Trump. So I don't know if I've necessarily
4 internalized and focused on specific examples, other than I remember she had some
5 inflammatory comments about the now-Vice President, which that was not helpful.

6 Q And are you referring to Vice President Mike Pence or Biden at the time?

7 A If things went the way I wanted it, he'd still be the Vice President, but now
8 it's Vice President Harris.

9 Q Oh, okay, Ms. Kamala Harris. Got it. Okay. So she said something about
10 Ms. Kamala Harris that you thought wasn't helpful.

11 A Correct.

12 Q Got it. And this would've been in an appearance where she was appearing
13 as, like, a campaign surrogate?

14 A I don't remember specifically if it was on TV or if it was via Twitter, but it
15 became a news story over the summer of 2020.

16 Q Do you recall if you ever shared your concerns about Ms. Ellis and her
17 efficacy with anyone on the campaign?

18 A Yeah. Usually anyone who would listen.

19 Q Do you recall -- can you give us some names of some people you might've
20 shared your concerns with?

21 A All of them. I usually wasn't too shy about expressing myself.

22 Q Okay. So, like, Mr. Stepien?

23 A Correct.

24 Q Okay. Mr. Justin Clark?

25 A Correct.

1 Q Okay. How about the President?

2 A Yes.

3 Q Was there anyone who you felt was -- you know, disagreed with you and
4 thought she was a great advocate?

5 A I think the President and I had -- as I said before, I think we had different
6 perspectives on her effectiveness.

7 Q Meaning he thought she was effective?

8 A Correct.

9 Q And was this pre-election and post-election too, to the extent you can make
10 that distinction?

11 A Yes.

12 Q Okay. Great.

13 BY [REDACTED]:

14 Q Just to follow up on that, Mr. Miller, what did he think was effective about
15 Ms. Ellis?

16 A That she was a greater communicator on television, that she presented her
17 details well.

18 Q Did he like the messages that she was putting out or the substance of them?

19 A You'd have to ask him on that. But what was communicated to me was
20 that he thought that she was an effective messenger.

21 Q Very good.

22 [REDACTED]. I'd ask, [REDACTED], if you could please pull up exhibit No. 2.

23 BY [REDACTED]:

24 Q And this is going to be a tweet from June 22, 2020, from the
25 @realDonaldTrump account.

1 All right. Can you see it there, Mr. Miller?

2 A Yes.

3 Q That says, "RIGGED 2020 ELECTION: MILLIONS OF MAIL-IN BALLOTS WILL BE
4 PRINTED BY FOREIGN COUNTRIES, AND OTHERS. IT WILL BE THE SCANDAL OF OUR
5 TIMES!"

6 In June 22, 2020, were you at the campaign by that point?

7 A Yes.

8 Q Did you have any role in crafting this tweet or the message behind this
9 tweet?

10 A This does not seem like something that I would've advocated to the
11 President, or, if I knew about it beforehand, I'd probably offer a differing opinion.

12 Q Why?

13 A Because, just to be very blunt, the issue of mail-in balloting pre-election is
14 not something that would move voters in a certain direction or the other. And so it
15 didn't fit in with my goal of moving more votes toward him.

16 Q Was the messaging goal to move more voters towards him on this issue of
17 mail-in ballots?

18 A So, again, what I can say -- what I can speak to are frequently what messages
19 move voters toward a particular candidate or not. And I knew that the issue of mail-in
20 ballots overall is not a primary topic that most Americans at that point in time would
21 wake up and think about every day.

22 Q It seems like maybe others in the campaign or the President disagreed with
23 you on that. Is that fair?

24 A Again, you'd have to ask them, but that would probably be the case.

25 Q What about just from your interactions with them? Did people disagree

1 with your perspective on this?

2 A I would say that most of the senior leadership on the campaign -- I'm looking
3 here at the date. That was right after the massive rally in Tulsa, so I think we were in
4 kind of a state of flux at that point, and I'm not sure a decision had yet been made with
5 regard to campaign manager Brad Parscale's role as that transition was happening. And
6 so this is, I think, in a little bit of a jump-ball territory as far as who was in charge on the
7 campaign side.

8 Q Is it fair that this was just -- it was at least partially a political question,
9 though. Like, whether to send out messaging on mail-in ballots is political in the sense
10 of would it help or hurt the campaign. Is that fair?

11 A I'm sorry. I don't totally understand the question.

12 Q Great point. That was not the most articulately phrased question.

13 So it sounds like there's a debate going on in the campaign, at least at some point,
14 whether the issue of mail-in ballots would be good for the campaign or bad for the
15 campaign. Is that right?

16 A I would disagree on that and just say that the senior campaign leadership
17 was pretty unanimous that the issue of mail-in ballots was something that we were more
18 playing defense on, as opposed to a message we wanted to push proactively as a way to
19 move voters toward the President.

20 Q Can you just explain that a little bit, what you mean by "playing defense on"?

21 A Well, again, it's not something that -- mail-in ballots were not -- again, I've
22 said this a couple of times. But it's not an issue that, at that stretch of the campaign,
23 was front and center for most Americans.

24 Most Americans were concerned about COVID, were concerned about the BLM
25 protests and many politicians embracing the BLM protests that were raging out of

1 control. People were concerned about the economy, when things were going to be
2 reopen. Those were holding the CCP accountable for unleashing this virus on us.
3 Those were much more of the concerns that I think most people had, as far as voters.
4 And mail-in ballots just was not something that was front and center for most Americans.

5 Q Just to wrap up on this tweet, exhibit 2, when you joined the campaign in
6 June 2020, did you think mail-in ballots would be the scandal of our times?

7 A When I joined, no, I did not have that on my list.

8 Q All right.

9 So, if we can go to exhibit No. 3, please, I think this may be a survey that you
10 referred to, although I don't want to put any words in your mouth, Mr. Miller.

11 But while it's coming up, this is called "Battleground Survey Analysis," done by
12 McLaughlin & Associates in August of 2020.

13 Are you familiar with this document?

14 A I know that we were in the field doing polling in this stretch, and I know that
15 McLaughlin & Associates was one of our lead pollsters. This is not a document that I
16 recall reviewing anytime recently, but I know we were in the field doing polling with them
17 at this time, yes.

18 Q All right. And, just to be clear, this is a document that you provided. It's
19 not something that we're showing to you from somewhere else.

20 This is a survey in August in battleground States. So why do this survey at all,
21 first, and then why in particular States, second?

22 A Well, as you know, our Presidential election system is based off of electoral
23 college, and when States are -- whoever is declared the winner, then they get those
24 electoral votes. And there's a -- I forget the exact number, but I know it's -- I want to say
25 it's somewhere in the 17 percent range that Democrats -- when you look at, say, blue

1 States, having more people than many of the red States, an actual national 50-State
2 survey is going to skew things heavily towards Democrats because of the overage, as
3 opposed to doing actual battlegrounds of States that could be won or lost by somewhere
4 between 5 and 10 points and that were in play. That's more reflective of where the
5 electoral college tracker might be going.

6 Q Okay.

7 And this includes a survey -- if you go to page 3, it says "Key
8 Takeaways" -- includes a survey polling on a number of issues, but in the first bullet you
9 can see there's talk about the U.S. Postal Service being in a fight with Congress. And if
10 you look at the third bullet, "There's general support for mail-in ballots."

11 How are the two linked? Why is the Postal Service issue coming up in a survey
12 that also deals with mail-in ballots?

13 A Would you mind zooming in on that? I'm sorry. I'm just --

14 Q Of course.

15 A All right. So you're asking me specifically about the first two bullets?

16 Q First three, actually. And just generally. The survey --

17 A Could you move it in closer one more time? I'm sorry. I'm just getting a
18 little old here.

19 All right. Let me read the first three, if you don't mind.

20 Maybe shift back over to the left, just so I can see the -- okay.

21 I've now read those first three.

22 Q Okay. So thank you, Mr. Miller.

23 So the first question is why -- what's the connection, if any, between a survey on
24 Postal Service issues and mail-in ballots?

25 A I don't remember the specificity of the debate at the time. I remember

1 that the President was upset about something with the Postal Service. And I think there
2 were all sorts of issues going on with -- I think the gentleman's name is DeJoy or Louis
3 DeJoy or something of that nature. And I just remember there was significant media
4 attention.

5 I don't really remember the particulars, though, of why the President was mad at
6 the Postal Service specifically at that point, but obviously it was something that was being
7 debated at the time.

8 Q And so why is that -- what is there a connection between that and mail-in
9 ballots, if there is one?

10 A Well, and that's what I'm saying, is I don't remember the exact debate at
11 that time. Obviously, the issue of mail-in ballots was something that was on the
12 President's mind, as you pointed out from the previous tweet that you showed. But as
13 far as the actual -- what the interplay was with the U.S. Postal Service and why that was a
14 hot-button issue right at that moment, I just don't remember.

15 Q Okay.

16 And the third bullet point, the last one I asked you to look at, it says, "There's
17 general support for mail-in ballots among 6 in 10 voters, but the 7 in 10 voters want fraud
18 protections." And then, "The President is trailing big among all early voters, especially
19 mail-in voters."

20 Did that finding or takeaway impact campaign strategy about casting doubt on
21 mail-in ballots?

22 A Well, as you showed from the previous tweet, the debate over mail-in
23 ballots was something that was heated already, well in advance of this survey. I think
24 this is, what, some 6 weeks, at least, later after that initial tweet.

25 I don't recall this particular messaging going so much to say around -- I don't

1 remember this particular polling data point going so much to impacting messaging, but it
2 did raise efforts in the campaign to try to get our data operation, including the tracking of
3 mail-in ballots that were out there and what our predictions were, then, on voter
4 turnouts -- it lit a fire for us to get moving on that.

5 Q And you said "it lit a fire." So this finding that the President's trailing big
6 among all early voters, especially mail-in voters, it was important to the campaign and the
7 operations. Is that fair?

8 A I'm sorry. Would you say that one more time? I'm sorry.

9 Q Yeah. Yeah, yeah, yeah. You said that this "lit a fire." And so I just, I
10 guess, to explore that a little bit more, this finding and takeaway on this page, particularly
11 the third bullet, that the President is trailing big among all early voters, especially mail-in
12 voters, it sounds like that was important to the campaign and the decisions on moving
13 forward. Is that right?

14 A Yes. More specifically, I think, to the data and the tracking and also the
15 amount of money that was being put toward chasing mail-in voters, whether that be with
16 chaser mail, chaser phone calls, digital, those types of things, but also trying to track how
17 many of these mail-in ballots were even out there.

18 But it also, I think, went to the point that, when this issue would come up, as is
19 seen from the bullet here, they would stress that the focus should be on fraud
20 protections, as opposed to attacking the issue of mail-in ballots overall.

21 Q Okay. And we'll get to that a little bit more.

22 Do you know if this survey was shared with anybody in the White House?

23 A I know that a number of surveys were shared with the President. I don't
24 recall if this particular sheet here was shared with him.

25 Frequently, when -- the reason why I say that is, typically, when there'd be a

1 polling conversation with the President, it'd be condensed down to maybe six, seven
2 slides, something of that nature, for the purpose of trying to get through as much
3 material in the limited amount of time.

4 So I don't recall if this particular sheet would've been shared with, say, the
5 President, but I'm almost positive that the overall findings would've been shared.

6 Q I'd ask you to pull up exhibit 4, please. Exhibit 4, also a document you
7 provided to us, Mr. Miller, is an August 24th email from Dick Morris to Bill Stepien, you,
8 and others.

9 Who's Dick Morris, and what was his role with respect to the campaign?

10 A Dick Morris is a colorful character in recent American political history that
11 did not have a formal role with the campaign but liked to call and give the President
12 ideas.

13 Q Did he help with things like polling?

14 A I would not use the word "help."

15 Q Did he participate in any polling?

16 A He would provide to the President his thoughts and comments and analysis,
17 but I do not recall him ever being a part of any sanctioned or formal polling conversation
18 with the campaign.

19 Q On this email, Stephen Miller is also included, and he has a private email, or
20 Gmail, address.

21 What was his role with respect to the campaign?

22 A On occasion, Stephen would chime in with regard to campaign policy or
23 messaging direction. Sometimes we would compare notes if they were -- if the White
24 House was getting ready to launch an initiative or some effort, so that the campaign
25 wasn't caught off guard.

1 Q What about John McLaughlin? Is he the same person that's McLaughlin &
2 Associates? I guess that's not people, to be clear, but is he the person in McLaughlin &
3 Associates?

4 A He's the primary -- he's the principal and one of our lead pollsters, yes.

5 Q So this email is from August of 2020, the same month and year that's on the
6 survey we just looked at.

7 The first line of this email says, "The solution we tested in the last poll is really the
8 answer."

9 So "solution" implies a problem. What's the problem that was being discussed
10 here?

11 A So, again, Mr. Morris, for me, is kind of in the same bucket as Ms. Ellis,
12 where, if I can survive on a day without talking about them, that's usually winning. So I
13 don't remember internalizing much of anything that Mr. Morris said, so this document is
14 not something that I specifically remember.

15 Q Okay.

16 In about the sixth paragraph down -- if you go down, [REDACTED] -- it says, "A position of
17 'count the ballots if...' is very popular and much more defensible than simple opposition
18 to mail ins."

19 Why was there a need to attack mail-in ballots?

20 A Well, again, the -- I think we all share the goal of making sure that we have
21 legal and efficient elections so that people of all parties, on both sides, can have
22 confidence in our elected officials. I think we all believe in that goal.

23 I do not remember a debate over this "count the ballots if." That -- I mean, it
24 could have been something that was included on a polling script, but it's not something
25 that I remember with any granular detail.

1 Q Do you remember if anybody did anything with this email? Forward it on
2 or convey the messaging in it to anybody else?

3 A I don't know. I just -- again, if I was spending time talking about Dick
4 Morris, then I was not doing my job.

5 Q Could we pull up exhibit No. 5, please?

6 This is an email from Eileen McGann, it says, on behalf of Dick Morris -- or from
7 Dick Morris. Excuse me. It reads, "Strategy to win a disputed election." And this
8 went to you, Mr. McLaughlin, Stephen Miller, Hope Hicks, Bill Stepien, and others.

9 And if you go to the next page, it contains an analysis, I suppose, of Dick Morris's
10 thoughts.

11 Do you remember seeing this document?

12 A I do not recall seeing it. Am I -- was I copied on it?

13 Q Yes, you were.

14 A Okay. I don't recall seeing it. That's -- that's -- Eileen is Dick's wife. It
15 looked like they misspelled the President's name in the subject line, when you scrolled
16 down real quick.

17 I probably glanced at it and then hit "delete" or -- definitely would not have been
18 something that I spent a lot of time diving into.

19 Q All right. And separate from your knowledge of this particular document, I
20 do want to talk with you about some of the themes in it.

21 If you can go to page 6, please. And if you could go to the bottom of page 6.
22 And you can keep scrolling down just a little bit. Yeah, right there.

23 So the bottom of page 6 says, "Undermine the case for mail-in voting." And then
24 at the top of the next page, page 7, it says, "Emphasize doubts about mail-in voting."

25 It seems like this was important to Mr. Morris, but was this, again, a topic of

1 discussion at the campaign, about the need to undermine the case for mail-in voting?

2 A No, not among campaign leadership, as far as a messaging strategy that
3 would help us move voters toward us.

4 And, again, while I do not remember this specific document, based on my previous
5 history I'd find it highly unlikely I would've made it six pages into a document sent from
6 Dick Morris's wife.

7 Q Understood. And I guess we're just focused on the themes now about it.
8 But this need to emphasize doubts about mail-in voting, is that something that you
9 discussed with, say, Mr. Stepien, for example?

10 A I do not recall ever having a conversation where I sat down and said that this
11 was a good idea or this was something that we needed to include in our messaging
12 apparatus, so to speak.

13 Q Did you ever have conversations with the President about emphasizing
14 doubts about mail-in voting?

15 A Surely I had conversations with the President about mail-in voting. I know
16 that my focus was always on ensuring that we don't have fraud and irregularities, we
17 have good security.

18 But just the overall issue of mail-in voting, it was just not a -- not something that
19 was going to move a bunch of numbers. And so, again, I just viewed it as, if I was talking
20 about mail-in voting, then I wasn't talking about the top issues that Americans during
21 this -- in the run-up to the election were most concerned about.

22 Q What was his view, other than what you already expressed to us earlier?

23 A Well, I mean, clearly, as we've seen from a couple of the examples here, the
24 President was very concerned about voting integrity and the propensity for fraud and
25 irregularities that could come about from the mass mail-in voting.

1 Certainly there were people in the legal orbit who were raising concerns about,
2 kind of, the broader, I guess you could say, legality of some of these voting changes.
3 But, again, I'm not a lawyer, so I can't really weigh in as to whether or not those opinions
4 were accurate or not.

5 Q Aside from the integrity issues, which, you know, we've talked about and I
6 know you've said the President had expressed concerns about to you, was the fact that
7 mail-in voting was likely to be in favor of candidate Biden an important factor to the
8 President?

9 A I would typically hear it discussed in the context of concern about voting
10 integrity, with the fraud and irregularities.

11 But I think your setup a little bit was kind of a false binary construct from the
12 aspect of, there would of course be discussions, as I said before, about increased
13 budgeting efforts from the campaign as it went to, say, chasing mail-in voting for
14 particular States like Florida, but then also what we need to do to make sure that our
15 people showed up on election day itself or even in early voting to compensate for some
16 of this.

17 Q Okay.

18 So you've mentioned a couple times this idea of fraud and irregularities. Mr.
19 Trump -- would you agree that Mr. Trump has had a history of claiming that elections
20 were rigged and stolen? Is that fair?

21 A With regard to the 2020 election, obviously I'm very familiar with a number
22 of those comments. I don't know I'd necessarily -- excuse me. I do not know if I
23 necessarily have internalized or have any specific memories of other elections in the past
24 or prior to that that have, say, been stolen or high degrees of fraud and irregularity.
25 Most of my memories refer to 2020.

1 Q Okay. Fair enough. And I know some of these events go back. And as I
2 said very early on, there will be questions that I ask just to see if it jostles anything in your
3 memory, understanding that it happened a while ago.

4 But, in 2016, the President said that then-candidate Cruz only won the Iowa
5 caucus because it was rigged and because of fraud. I believe you worked for Senator
6 Cruz. Do you recall that?

7 A Not in great detail. I know that there was a -- I remember there was a little
8 bit of a caucus-night kerfuffle, so to speak, where there was a news report on CNN that
9 said that Ben Carson was either exiting the race or that he was flying immediately back
10 home to whatever State he lives in, with the implication being that he would not be
11 staying in the contest. And the Cruz campaign, we immediately put out some kind of
12 message that Ben Carson was leaving or something of that nature. And then I believe
13 the -- President Trump seized on that and said that people were still voting.

14 But that's about the best I can remember at that time regarding the Iowa
15 caucuses.

16 Q Okay. And so, when President Trump seized on that, that people were still
17 voting, what you just explained actually wasn't the case? Is that fair?

18 A I'm sorry. What was your question again?

19 Q Yeah, you said that there was a back-and-forth about Mr. Carson and
20 dropping out and that the President seized on this issue that voters were allegedly still
21 voting in the Iowa caucus. To your knowledge, was that true?

22 A So they're two different things. They're fraud and irregularities, which I
23 don't remember that being the case. But I do remember there were attacks or
24 criticisms from other campaigns at that time, because we had -- I think we sent out a note
25 to all of our -- I guess, the caucus chairs or caucus leaders, letting people know that this

1 news report said that Ben Carson was either leaving Iowa or leaving the contest,
2 something of that nature, but there were still additional rounds of voting going on. But
3 that, obviously, based off of public report, would be something that you'd want to share
4 with people at a caucus, because if -- people who may have been Carson voters could've
5 also been Cruz voters.

6 Q Okay.

7 Well, let's move on. I mean, the 2016 election, the President, he talked about
8 dead people voting, noncitizens voting. And I believe he claimed that he would've won
9 the popular election in 2016 if you deduct millions of people who voted illegally.

10 Do you remember that happening?

11 A The final point, I remember him making that statement, yes.

12 Q Okay. And nothing really significant, though, happened after that, right, as
13 far as changes to election laws or efforts to change election laws?

14 A No. I think there was maybe a -- some kind of commission or something
15 that kind of went nowhere. But I don't remember who was running that or where that
16 was housed or whether there was -- yeah, I don't remember that really going anywhere.

17 Q Okay. So you anticipated my next question, Mr. Miller, which was: The
18 President did sign an executive order setting up a voter fraud commission. And I think
19 that was headed by Vice President Pence and Kris Kobach.

20 Does that sound right to you, based on what you remember?

21 A The Kobach dynamic, yes. I think -- I think the Vice President handed that
22 one off.

23 Q Okay. And you mentioned earlier you didn't remember it going anywhere,
24 right? You know don't remember any recommendations coming out of that
25 commission, for example?

1 A No. I remember seeing a couple of headlines saying that it -- just, the
2 effort fizzled. But I don't remember like, say, if there was a final report or if any specific
3 action was taken.

4 Q Okay. And do you remember that there were no findings of fraud that
5 came out of that commission in the 2016 election?

6 A I don't remember at that level of -- it wouldn't have been something that I
7 would've read the entire document. I just remember seeing headlines, and just very
8 generally at that.

9 Q Okay.

10 If you could go to exhibit No. 6, please.

11 [REDACTED]. Before we actually get to this text message, is there anything that
12 anybody on the Webex wants to ask?

13 Anybody in the room?

14 [REDACTED]. Yes. A quick followup, Mr. Miller.

15 BY [REDACTED]:

16 Q Could we go, actually, back to exhibit 4, which was just the email we were
17 looking at from Dick Morris?

18 So, Mr. Miller, I understand that you didn't, it seemed like, place a lot of weight in
19 Mr. Morris's thoughts or opinions with respect to campaign strategy. Did you say that
20 Mr. Trump did, however? And Mr. Morris, we saw, on occasion would advise Mr.
21 Trump?

22 A I'd defer to the President about what he thought with regard to qualifying
23 the strength of the advice being given by Mr. Morris, but I certainly did not put
24 confidence in it.

25 Q Okay. But you understood that Mr. Morris would talk on occasion with

1 President Trump?

2 A Correct.

3 Q Okay.

4 So I'm just wondering because, you know, they're -- Mr. Morris is talking about the
5 polling. He's not an official advisor. How did he even, if you know, get involved in this
6 effort, as someone who's not -- who did not officially have a role in the campaign?

7 A Because pollster John McLaughlin would share the polling information with
8 Mr. Morris. And we had a followup at some point -- I don't remember if it was in the
9 summer, maybe, or if it was, say, after Labor Day -- where we found this out because
10 Morris essentially briefed the President on poll findings before the team did. And
11 therein ended the process of sharing things with Dick Morris.

12 Q Okay. So you said he did this before Labor Day?

13 A What I'm saying is that there was apparently a standing practice to share
14 polling data with Dick Morris, that John McLaughlin was sharing it directly with Dick
15 Morris, that campaign officials were unaware of. And when we did find out about it,
16 that process was ended.

17 Q Okay. And it was your understanding, then, Mr. Morris would take that
18 information and discuss it with the President.

19 A I can't speak to everything that Morris did, but I know at least on one -- at
20 least on one occasion he discussed polling information with the President before the
21 team had had the opportunity to discuss the findings and then go present them to the
22 President.

23 Q Thank you. It sounds like you have an example in mind. What was that
24 occasion that you can remember?

25 A Just simply the President sharing with us that he had gotten this polling

1 information from Dick Morris, and that was the -- when we first found out that polling
2 information was being shared with Dick in that manner. I don't remember, say, which
3 poll or when exactly, if it was late summer, early fall, or when exactly it was. But, yeah,
4 we found out about it and ended that.

5 Q Okay.

6 So, if Dick Morris on August 24, 2020, is still talking about polls, is it fair to say that
7 he probably at this point was still looped in, he hadn't been cut off yet?

8 A At -- that -- yeah, again, I don't remember the exact point at which this
9 happened. I knew that sometimes McLaughlin would share polling details to Morris, but
10 did not know that it was being shared directly sometimes even before it'd been shared
11 with the President.

12 Q Okay. And --

13 A Just to clarify, it's tough to -- when you talk about Morris being in the loop or
14 not in the loop, it's tough to qualify that. So I can speak just more granular to the fact
15 that there was a practice that campaign officials did not know about, about Morris being
16 given polling information, and we ended that practice.

17 Q Okay. No, I appreciate that. And I thank you for the clarification.

18 Included on the email are at least two White House folks, Stephen Miller and
19 Hope Hicks. Do you know why they were included in this discussion about polling?

20 A Because -- I remember having a conversation with both Hope and Stephen
21 about why they were being emailed by Dick Morris, and both of them said, "We have no
22 idea." I think he just emails everybody with the hopes that these messages then get
23 conveyed through the team or to even the President.

24 Q Okay.

25 And there's someone I believe named Tony Fabrizio. Does that name ring a bell?

1 A Correct.

2 Q Can you tell us who Mr. Fabrizio is?

3 A He was the other lead pollster, along with John McLaughlin. But he was
4 unaware that the polling data was being shared with Dick Morris as well.

5 Q Okay. And was Mr. Fabrizio -- was he part of McLaughlin or a different
6 polling firm?

7 A Different polling firm. They'd been partners in years past, but they've been
8 split for at least the last decade or decade and a half. I don't know how long it's been.

9 Q Okay.

10 Okay. Great. Thank you.

11 BY [REDACTED]:

12 Q All right. If we can go to exhibit No. 7. And, just for your background, this
13 is a document from September 4th. Looks to be, like, talking points or something else,
14 but you did provide this document.

15 Okay. So can you see the document generally, maybe not read everything?

16 A I see the document, yes.

17 Q What -- do you recognize documents like this one?

18 A These were documents that were put together and given to top-level
19 surrogates before interviews. I wouldn't typically read all the way through them.
20 Maybe, if there was a specific data point or a polling point, I might glance at it. But I
21 usually would do my own research and analysis, unless it would say something specific to,
22 again, turnout numbers or turnout models or something of that nature.

23 Q Who put these together?

24 A Someone in the communications shop.

25 Q At the campaign?

1 A Correct.

2 Q Is it something that you requested or they just did it as a matter of practice?

3 A I believe they did it as a matter of practice. Certainly there were times
4 where I might ask a question, maybe it was of the legal team or somebody, say, such as
5 what are the latest polling numbers or what do the turnout models look like or maybe
6 something about the math on getting to 270.

7 So there'd be occasions, for sure, where I would ask for things, but, for the most
8 part, I didn't spend a lot of time reviewing these.

9 [REDACTED] If you can go to page 3, please, [REDACTED]. And stop right there.

10 BY [REDACTED]:

11 Q So, in the middle of page 3, under the header "Trump Campaign Forming
12 'Coalition' of Lawyers for Legal Battle Over the Election," the second bullet point is a
13 quote from general counsel Matthew Morgan.

14 Who's Mr. Morgan?

15 A He was the campaign general counsel.

16 Q Did he work with Justin Clark and the other lawyers on the campaign?

17 A Yes.

18 Q Did you work with Mr. Morgan?

19 A Yes. I would see him at weekly meetings and probably interact with him a
20 couple or few times a week.

21 Q Okay.

22 So this quote that's in this document from Mr. Morgan says, "Democrats are
23 working to shred election integrity measures one state at a time, and there's no question
24 they'll continue their shenanigans from now to November and beyond."

25 Do you know what the basis for that statement is?

1 A I think it goes back to the earlier point that I made about concerns about the
2 method in which many State-level or county-level Democrats were changing voting rolls
3 under the guise of COVID. And there were concerns that the process was being
4 manipulated and voting rolls were being changed in a way that would benefit Democrats,
5 again, under the guise of COVID, but I don't recall ever seeing a case of anyone catching
6 COVID from a polling station, so I think there was some aspect of politicization that went
7 into it.

8 Q It also goes on and says, "The Trump campaign is fighting to ensure every
9 ballot across America counts -- once," end quote.

10 So this idea of counting ballots once, that does echo later claims about fraud and
11 double-counting that came up post-election. So, before the election, though, when this
12 document was written, was there a reason to believe that votes were going to be
13 counted more than once?

14 A I can't speak to Matt's statement there that you're showing. Obviously,
15 there were concerns about fraud and irregularity and making sure that people from both
16 parties had confidence in the elections. But you'd have to ask Matt about this particular
17 statement.

18 Q Yep, fair enough. And I understand you can't get into Matt's mind. But,
19 based on your work with the campaign, was there any evidence that you're aware of that
20 votes were going to be counted more than once?

21 A I mean, there were a whole host of different aspects of fraud and irregularity
22 that would be brought up, whether it be in a contemporary dynamic or something from
23 the past, going back to previous elections. Again, it's not something that I've
24 internalized and said, this particular statement from Matt Morgan is referring to this
25 example. So it's just not something that I've thought about recently.

1 Q Okay. And I guess I'm not asking you to speculate or even extract or
2 extrapolate from other examples. I'm just asking, was there evidence that you had or
3 knew about that votes would be counted more than once?

4 A Well, I mean, in almost every election probably since the founding of the
5 Republic, there have been aspects of fraud and irregularity and things have gone on. I
6 mean, you could, obviously, talk about the 1960 election. I'm sure many of the -- even
7 the Democrats mentioned here probably didn't like the way that Palm Beach County
8 conducted their election in 2000 --

9 Q But, Mr. Miller, and I don't mean to cut you off, but I guess I'm not asking for
10 hypotheticals. Was there something, a document, a statement made by anybody, that
11 was evidence that votes would be counted more than once that you are aware of?

12 A I can't rule that in or out. I just don't recall at this time.

13 Q Okay. Fair enough. That's perfectly fine.

14 On November 1st, you -- November 1st, 2020, you went on "This Week with
15 George Stephanopoulos" and said -- this is a quote -- "If you speak with many smart
16 Democrats, they believe that President Trump will be ahead on election night, probably
17 getting 280 electoral -- somewhere in that range. And then we're -- they're going to try
18 to steal it back after the election. We believe that we will be over 290 electoral votes on
19 election night. So, no matter what they try to do, what kind of high jinks or lawsuits or
20 whatever kind of nonsense they try to pull off, we're still going to have enough electoral
21 votes to get President Trump reelected."

22 Do you remember those comments or the comments to that effect that you made
23 on "This Week"?

24 A Yeah. There was considerable debate during that time period, with
25 national Democrats saying that there was going to be a red mirage, that there would be

1 late-arriving ballots, and Republicans were saying it'd be a red wave of a massive election
2 day turnout itself.

3 In fact, Democrats held a press conference and did a number of things prior to the
4 election specifically to say exactly this: Don't believe the election results as presented
5 election night. What you have to wait for is everything to be counted.

6 Of course, there was considerable debate pre-election about some of these States
7 that had more gray areas. As far as -- one that comes to mind, I believe, is Nevada,
8 which I believe they had to accept unpost -- I might be getting this slightly wrong, but this
9 is one of the examples I kind of remember. You had to accept unpostmarked mail-in
10 ballots up to 3 days after the election.

11 And so that was an example right there of, well, if it's not postmarked by the
12 election but it arrives within 3 days -- and that was just one example, but there are a
13 number of different States and different dynamics where there's some, I think, very valid
14 questions speaking to the aspect of voting integrity where concern that there could be
15 foul play that would come into the case.

1

2 [12:00 p.m.]

3

BY [REDACTED]:

4

Q And you mentioned the red mirage and this idea of counting ballots later.

5

This is the idea, it relates to mail-in voting generally. Right?

6

A It's -- that might be kind of a blanket. I think it was just the -- I mean, the

7

crux of it and to be very clear on this, there was political hyperbole on both sides.

8

There's political hyperbole from the Democrats who said: What you see on election

9

night -- and again I'm paraphrasing -- what you see on election night won't count. That's

10

not going to be it.

11

The Republicans say: The red wave is going to carry the day, and there would be

12

late-arriving ballots.

13

And somewhere in the middle was somewhere in the middle.

14

Q Okay. And one of those phrases you used particularly was: They are

15

going to try to steal it back after the election.

16

Why are you talking about a stolen election before the election ever takes place?

17

A Well, I think, in that case, I was talking about the -- it was probably much

18

more the political hyperbole, just that there were Democrats, again Democrats were

19

being very blunt and aggressive and saying that: What we find out on election night

20

wasn't going to count, wouldn't be accurate.

21

And our side was pushing back saying that election night would give us a good

22

direction and a roadmap. So I think it was more political hyperbole than anything else.

23

Q And I guess I want to be specific about the word. It says "steal," or you

24

used the word "steal." And, of course, that's a term, "stop the steal," that was used

25

quite frequently after the election. So this was this idea of a stolen election and a

1 message of a stolen election, something that was discussed before the election took
2 place?

3 A I mean, certainly the topic came up. I mean, you saw from that interview
4 right there that -- that I mean came up on, what was it, ABC, Stephanopoulos, so some
5 discussed on national television. I remember that again being in the context as we
6 talked through the red mirage, that that really put it back into front view, again going
7 back to my earlier point where my main focus was talking on issues that were really going
8 to move people. My best recollection is that was more a defensive measure. When it
9 was brought up, people were advocating the mirage.

10 Q Did you ever talk to the President specifically about the idea of stolen
11 election or use the word "steal" in messaging before the election?

12 A I don't recall specifically having a conversation about the steal.

13 Q Okay. But the idea about it being a stolen election, did that come up
14 before November 3rd?

15 A Certainly there were public comments that were made by the President or
16 other allies that talked about concerns around voting integrity. But I don't remember a
17 specific, say, strategy session on it.

18 Q What about in your conversations with him just generally, even it wasn't a
19 strategy session? Did you talk about a stolen election being a potential?

20 A Not specifically that I recall.

21 Q Do you remember anything like that?

22 A I mean, the issue of voting integrity certainly came up a number of times.
23 But, again, I don't remember the exact details.

24 Q And that came up before the election. Right?

25 A Yes. We've seen that from both from President's tweet as well as polling

1 information and such.

2 [REDACTED]. I think -- it's 12:04 right now. I think it makes sense to take a quick
3 break. 15 minutes or so.

4 [REDACTED]. It's up to you.

5 [REDACTED]. What do you think, 10, 15 minutes?

6 Mr. Muyskens. Dan, do you just want to text me when you're ready to start, and
7 we'll come back in? And I could use the break. So I appreciate this very much.

8 [REDACTED]. Of course. Yeah. Why don't we plan on 10:15, and we'll text you
9 if that changes. 12:15, I'm sorry.

10 Mr. Muyskens. You're used to me being on mountain time, I appreciate that.

11 [REDACTED]. You're exactly right, Mr. Muyskens.

12 So why don't we plan on 12:15 and we'll go off the record.

13 [Recess.]

1

2 [12:16 p.m.]

3 [REDACTED]. It is 12:17, and we are continuing the deposition of Mr. Jason
4 Miller.

5 BY [REDACTED]:

6 Q So I want to fast forward now to election day. Where were you on election
7 day?

8 A Election day, I believe I started at my house and then I -- to the best of my
9 recollection, I went into the campaign office in Roslyn for a bit. And at a certain point I
10 made it over to the White House.

11 Q Okay. Did you talk to the President before you went to the White House
12 that day?

13 A I don't recall specifically that day.

14 Q And when you got to the White House, what did you do?

15 A There was a joint -- the monitoring room that was set up in the map room
16 down in the basement.

17 Q Did you stay there the whole night?

18 A As far as in that particular room or the White House?

19 Q That -- that room. Did you go anywhere else besides the map room?

20 A One point I went to -- I know I went to a room that was a couple of rooms
21 over. I think at one point I maybe did an interview and had at least one breakout
22 session with some campaign people. I went upstairs, saw the President a couple of
23 times. I think I was back stage when he gave his remarks into the early morning, I guess
24 technically after the election day. So within the White House there at least up to the
25 point when I went home.

1 Q When you say you went upstairs, is that to the residence?

2 A Correct.

3 Q All right. And we'll talk about that.

4 Can you just describe the atmosphere? What were people expecting that night
5 when you got to the White House?

6 A I think that there was typically for people who show up there on election
7 night, it is going to be a self-select more positive environment. And I think people were
8 a little bit nervous not nothing what was going to happen with the red wave or the red
9 mirage as the debate was being carried out.

10 Q What were your expectations for that night?

11 A I knew that we were closing. I felt pretty confident that we'd win.

12 Q Was it still an open question, though, in your mind?

13 A There is always some degree of doubt. But I felt -- I felt that trend lines
14 were moving in the right direction, and we'd prevail.

15 Q And you seem like a numbers person, Mr. Miller. Is that based on your
16 analysis of the numbers and the polling that was going on?

17 A With regard to this, yes.

18 Q When you say "with regard to this," what do you mean?

19 A Meaning that our -- the way that we were closing strong with early vote
20 returns, the way that early vote numbers -- and when I say "early vote" that is a general
21 early vote or mail-in or any -- or any, any method. But we were doing better than
22 expected in some places, and Democrats were doing worse than expected in some places.

23 Q Okay. I understand that FOX News projected that Joe Biden won Arizona
24 around 11 o'clock that night. Do you remember when they called it for Arizona?

25 A Somewhere around that timeframe.

1 Q After, did that shift the atmosphere or the attitude in the White House?

2 A Completely.

3 Q How so? Can you describe that?

4 A Because FOX News was the first to go out and say that. Even the CNNs of
5 the world thought the race was too close to call. And, in particular, our data people
6 were saying that we would prevail in Arizona. It would be close, but we would prevail
7 when all the ballots were counted.

8 Q Was it kind of anger kind of directed towards FOX News for making a call
9 more so than, like, disappointment that maybe the campaign lost Arizona?

10 A All the above.

11 Q So both, anger and disappointment?

12 A Both disappointment with FOX and concern that maybe our data or our
13 numbers weren't accurate.

14 Q I understand that it's been reported at least that Bill Hemmer from FOX
15 called you before that projection came out. Is that right?

16 A I forget if it was a call or a text, but I did communicate with him and knew
17 that they were getting ready to make that call, yes.

18 Q Did you say anything in response when he told you that they were getting
19 ready to make that call?

20 A Yeah, probably wasn't particularly family friendly. I was a little bit shocked.

21 Q Without the unfamily-friendly words, what was the gist of your message
22 back?

23 A How can you make this call when even more liberal outlets aren't making a
24 call like this.

25 Q Did he express that he was comfortable or that FOX was comfortable doing

1 this based on the data?

2 A He expressed that it was completely out of his hands, and there was a -- I
3 forget the term, brain center, war room, or something of that nature, decision desk that
4 was making it, and he was simply the messenger.

5 Q Did you pass along this message to the President?

6 A Yes.

7 Q Personally?

8 A It was a bit of a chaotic night. I don't remember if -- I don't remember if I
9 was able to personally get to the President before it was announced. I was in a room
10 full of people. And so everybody heard me say it or announce it in advance of it being
11 broadcast, but I don't remember the exact order of communicating with the President.

12 Q Was he in that room when you announced it out loud?

13 A Not that I recall. I believe he was up in the residence.

14 Q Do you know what his reaction to that FOX News announcement was,
15 though?

16 A Similar to mine.

17 Q Did you talk to him about it?

18 A At a certain point. I don't remember, again, if it was before the on-air
19 announcement or afterward. Excuse me.

20 Q What did he say when you did talk to him about it?

21 A Similar to what I'd expressed to Bill Hemmer, except with a dynamic that
22 Rupert Murdoch was twisting the knife.

23 Q Meaning that FOX News was not being fair to him? I guess, could you
24 explain what you meant by that or what he meant by that?

25 A I think that FOX News wasn't being fair or was jumping to conclusions when

1 the race was still too close to call.

2 Q And did the President expect more from FOX News?

3 A By that point in the relationship, probably not, but I think he was frustrated
4 nonetheless.

5 Q And the major networks didn't call -- actually, I'm sorry. Let me just back
6 up. Do you remember any specific words he said to you in that conversation?

7 A Other than certain nonfamily-friendly words, those are probably the only
8 ones I'd remember from that and Murdoch's name.

9 Q Now the major networks didn't call Pennsylvania, Michigan, Wisconsin, or
10 Georgia on election night. Do you remember that?

11 A I do not remember with great detail when each State was called across the
12 board. But I know that the race overall wasn't called until Saturday. Yeah.

13 Q Fair enough. Now, when you went up to the residence, can you describe
14 what happened and when that was?

15 A -- I went up to the residence twice.

16 Q Starting with the first time, what happened? And roughly when do you
17 think you went up?

18 A Somewhere probably shortly after the Arizona news. Again, I might be
19 conflating the two trips up. So I just remember that one time there were a lot more
20 people than the other. There's -- at least with the earlier group, I want to -- I believe
21 that there were more people, more allies, family members, people like that that were
22 around. One of the trips had a lot more people; one of the trips had fewer people.

23 Q Okay. And in the fewer trip -- fewer people trip, what happened?

24 A And, again, I don't remember which one was first, if it was -- I think it was
25 probably more people initially and then fewer later. But I think the -- both of them were

1 just wanting to know about where the numbers were and where they were -- where they
2 were tracking with a lot more of the numbers people doing a lot more of the talking, and
3 at least the first time I remember there was more conversation about calling FOX News to
4 try to get them to reverse their call.

5 Q And was that a suggestion that the President made?

6 A It was something that we had already started to do, even before we
7 discussed it with the President.

8 Q And when you did you discuss it with him, was that -- did he agree with that
9 suggestion?

10 A Yeah. But he was probably even more adamant about redoubling efforts.

11 Q Can you describe that? And it is okay to use unfamily-friendly words. And
12 we are interested in the discussion that you had and what he said.

13 A I mean, simply that how could FOX go and call this when even the fake news
14 outlets weren't calling it. It's way too early. Our numbers show that we are going to
15 win that State, and Murdoch's just doing this to mess with me. That's a summary.

16 Q Okay. Now were you up in the residence with him as he planned to give his
17 speech on election night?

18 A The -- thinking carefully here.

19 Q Let me ask it this way: Did you ever discuss the speech that he was going
20 to give on election night?

21 A That's what I'm trying to think back to. That was largely being worked on
22 by I believe Stephen Miller and his team, the speech-writing team. And I don't
23 remember weighing in -- I don't remember weighing in on the speech details, other than
24 there was suggestions by I believe it was Mayor Giuliani to go declare victory and to say
25 that we'd won it outright. And I remember saying that I -- to the best of my memory, I

1 was saying that we should not go declare victory until we had a better sense of the
2 numbers.

3 Q Okay. Can you be more specific about that conversation, in particular what
4 Mayor Giuliani said, your response, and anybody else in the room's response?

5 A I think effectively Mayor Giuliani was saying: We won it. They are
6 stealing it from us. Where did all the votes come from? We need to go say that we
7 won. And essentially anyone who didn't agree with that position was being weak. And
8 I believe Chief Meadows pushed back on that, said that we'd need more information; we
9 can't go and declare that. And then a certain point I think there's -- I think maybe the
10 mayor maybe got into it with either -- I think it was Justin Clark or Bill Stepien. But the
11 mayor was definitely pushing to declare victory.

12 Q When you say the mayor may have gotten into it with Justin Clark or Bill
13 Stepien, can you be more specific?

14 A I think some of the commentary may have included a couple of expletives
15 and may have gotten a little more personal in nature.

16 Q I'm going to ask you to unpack that. Could you be specific about what
17 happened?

18 A I think it's more of just a general "you're not very good at your job or you're
19 not very smart" but with extra expletives in there.

20 Q And how did Justin Clark or Bill Stepien respond?

21 A I think they responded in kind, the same level of passion.

22 Q Did the President see this happening?

23 A I believe it was in a side room. I do not think this played out in front of the
24 President.

25 Q So you said that both you and Chief Meadows pushed back and said, you

1 can't do that, meaning accept mayor Giuliani's recommendation to just go out there and
2 say he won. Why was that important to you?

3 A Well, I think for a couple of things. I mean, I always strive to be as accurate
4 as possible, but also there was a concern that if we just went with a blanket "we won,"
5 then it might undercut some of the legitimate legal efforts that were -- that were going to
6 happen later. And, also, we'd have to come up with some aspect of compelling
7 evidence to go and show that, and it was just too early. We didn't have that all put
8 together yet.

9 Q So there wasn't evidence to support the fact that he had won at least at this
10 point in the election. Is that fair?

11 A At that moment. And to be fair, there wasn't evidence that Biden had won
12 either. It was still very much an election -- excuse me -- in dispute as it took the better
13 part of a week before a winner was announced.

14 Q Now obviously the President ended up making a speech that night and he
15 said: This is a fraud on the American public. This is an embarrassment to our country.
16 We were getting ready to win this election. Frankly, we did win this election. We did
17 win this election. This is a major fraud on our Nation -- among other things that he said
18 that night. Did you know beforehand he was going to give -- or make a speech like that?

19 A I don't remember those specific words. And I don't recall at this time if I
20 had the opportunity to review the speech before it started. There was very much
21 a -- there were a lot of things going on that night, including trying to get more information
22 to better inform our positioning. And I was not active -- I would not describe myself as
23 an active participant for his speech prep for those remarks.

24 Q Okay. And I think you just mentioned, though, at that point, there still
25 wasn't information whether the President had won or lost. Right? In your view?

1 A Correct. Of the election overall, it was too early to say one way other the
2 other.

3 [REDACTED]. Any questions about that from members on the call?
4 Anybody in the room?

5 [REDACTED]. No thanks.

6 BY [REDACTED]:

7 Q Mr. Miller, a quick followup. You mentioned Mr. Giuliani as someone who
8 was saying -- telling the President that he could say that he won the election. Was there
9 anyone else that you saw that was in that camp pushing the President to stay that he had
10 won the election?

11 A Not that I immediately recall. There were a lot of people that were floating
12 around. And I certainly was not present for every conversation.

13 Q Okay. And how about you mentioned Mr. Meadows as someone pushing
14 back and you as well. Was there any one else in the camp pushing back against Mr.
15 Giuliani's recommendation that --

16 A Bill Stepien.

17 Q Bill Stepien. And what do you recall Bill Stepien saying?

18 A Very roughly something along the lines of: We don't know what's
19 happened yet. We can't definitively declare victory.

20 Q Do you recall when Mr. Giuliani was saying, you know, "you should say that
21 you won," what he was basing that off of?

22 A You'd have to ask Mayor Giuliani?

23 Q Okay. I mean, did he, like, reference maybe any numbers, or, like,
24 statistics, or anything that he had that made him think that Trump had won?

25 A The concerns vocalized focused more on the fact that we'd been ahead at

1 one point, and then we were not.

2 [REDACTED]: [REDACTED], maybe I do have one question.

3 BY [REDACTED]:

4 Q Mr. Miller, was there anyone in that conversation who in your observation
5 had had too much to drink?

6 A Major Giuliani.

7 Q Tell me more about that. What was your observation about his potential
8 intoxication during that -- that discussion about what the President should say when he
9 addressed the Nation on election night?

10 A In the mirror, he was definitely intoxicated. But I do not know his level of
11 intoxication when he spoke with the President, for example.

12 Q Okay. And then, when you say he was intoxicated, was there any behaviors
13 that manifested intoxication that you recall?

14 A Just typical intoxication. Pronunciation of words, smell, things like that.

15 Q Yeah. I figured. Okay. And was that noted by Mr. Meadows or others in
16 this argument that they had, the fact that Giuliani was drunk or was -- was not in the
17 same frame of mind to be able to advise the President about this?

18 A I think Chief Meadows made a -- I seem to recall him making a comment
19 along those lines.

20 Q Okay. Anyone else beyond Mayor Giuliani who seemed in your observation
21 to have been in a similar state of intoxication?

22 A The most intoxicated person the entire evening was Stephanie Grisham, but
23 I don't recall her being in any significant conversation with the President.

24 Q What makes you say that, that she was the most intoxicated person? Did
25 she do or say something that demonstrated, manifested that?

1 A She fell down.

2 Q Uh-huh. A behavior consistent with intoxication. I understand. Okay.
3 Anything else -- anyone else, Mr. Miller, in that category? And I know you weren't
4 monitoring everyone's levels. I'm just curious if anything sticks out in your head from
5 that night about others being particularly intoxicated?

6 A Judge Jeanine was definitely overserved.

7 Q Okay. Anyone else?

8 A No.

9 Q Okay. I appreciate that. Thank you.

10 BY [REDACTED]:

11 Q And forgive me if I ask this differently, Mr. Miller, but did you convey your
12 recommendation that the President not announce that he won the election directly to
13 the President?

14 A I do not recall.

15 Q You don't remember. So you might have; you just don't remember?

16 A I -- I know that I vocalized it with other team members. I don't remember if
17 I said it directly to the President or -- frequently what will happen in these things is there
18 will be a quick sidebar discussion, and then if somebody makes the point that you were
19 thinking or that you had raised in the sidebar, then you don't need to necessarily make it
20 yourself in front of the President.

21 Q So somebody raised this, though, in front of the President, even if it wasn't
22 you?

23 A Correct.

24 Q What was the President's response?

25 A He disagreed.

1 Q Can you be more specific?

2 A I don't remember with great detail. I just remember him raising concerns
3 with the ballot drops that happened where there -- there would be such a massive shift or
4 seemingly -- seemingly statistically impossible shift in the snap of fingers.

5 Q And was that based on news reporting, as opposed to information that the
6 campaign had specifically?

7 A Keeping in mind that most of my time was in the map room, and he was in
8 the residence for most of the time, I don't remember exactly which information points he
9 was being presented with or the way that he was processing that information. So I
10 don't recall where exactly that was coming from.

11 Q Okay. Fair enough. Do you remember the campaign having information
12 on these ballot drops, separate than what was publicly reported?

13 A I remember the campaign data team struggling to explain where the drops
14 came from and raising concern that maybe we weren't tracking outstanding ballots in the
15 same way that our adversaries were, but more to that point.

16 Q Okay. Did you see any of this -- the actual evidence of this, or was this all
17 being handled by other people?

18 A Is -- I'm sorry. When you say you need to find evidence?

19 Q Yeah. Numbers, you know, specific counts that are coming in, as opposed
20 to just what's being reported on TV, for example.

21 A Well, certainly we had a number of computers up and monitors, and we'd
22 see there were X number of ballots, and then, a minute later, there would be Y number of
23 ballots. So certainly I was seeing those types of shifts, as well as what was up on I think
24 we had three or four TVs up on the -- that were put up there with all the different
25 networks. So I was seeing it, plus also tracking online. So I was seeing it from a

1 number of places.

2 Q But it sounds like the campaign wasn't to explain these drops one way or the
3 other yet. Right? Didn't know the reason for them?

4 A In a number of cases, that's accurate.

5 Q Okay. What about that night? Is that accurate for that night?

6 A Well, what I meant by that night is, in some States, there was a better level
7 of understanding than others. So some States it might be this particular county came in;
8 they announce it all at one time. It's a little more easily explained. Some States don't
9 necessarily make it crystal clear what county or whereabouts they are coming from. Are
10 they geographically focused? Are they based on, say, early returns? Or if they were
11 early returns, are those based on a day or geography? So there were all sorts of
12 variables that would go into that.

13 Q Okay. But, at that point, is it fair to say it wasn't clear that this was fraud as
14 opposed to some of the other reasons that you'd mentioned?

15 A And give me the timeframe that you're specifically referring to.

16 Q Yes. November 3rd, the night of the election.

17 A The night of election was not yet clear. Correct.

18 Q Okay. In the days following the election day, what was your focus with
19 respect to the 2020 election?

20 A Well, in the immediate aftermath for both the Wednesday after the election
21 and then on the Thursday, based on numbers that we were seeing from our data team,
22 we were convinced that we were still going to win. And so, as a matter of messaging
23 communicating with the press that -- not jump to any conclusions or call the race, and, in
24 fact, in the case of Arizona, that they need to reverse that FOX News call until we had a
25 much better sense of what the actual ballot returns were.

1 Q And expecting to win the race, that was based on just the counting of
2 ballots, as opposed to subtracting or not counting ballots. That's not a very good way of
3 asking this. Let me try again.

4 Was your expectation just based on the numbers that were coming in or expected
5 to come in as opposed to allegations of fraud and the effect of that fraud?

6 A At that point, for the Wednesday and Thursday, it was very specific to what
7 our campaign's understanding of outstanding ballots were versus ballots that were
8 returned, and the estimations of what the unreturned ballots would look like when
9 returned.

10 Q We can go to exhibit No. 8. And this is ending in Bates 11049. This is an
11 November 4th email from you to John McLaughlin and a number of other people. I
12 think we've gone through the most of the folks on here, including Jared Kushner and Dick
13 Morris. Who is Jordan John at Jordan Winery?

14 A Jordan John?

15 Q Yes. If you Zoom into the cc field [REDACTED]. Maybe it is John Jordan. It just
16 appears as Jordan John, but at Jordan Winery. Do you see that?

17 A Oh, I -- that's not a name that rings a bell.

18 Q Do you know who you intended to copy on there?

19 A If there were that many people, I -- I mean, if you scroll down, was that a
20 reply all?

21 Q It looks like it may have been, yes. So you don't know who that is, though?

22 A It doesn't ring a bell. Correct. Must have -- that looks to be like it would
23 have been a reply all because I can't imagine a scenario where I would proactively email,
24 say, Dick Morris for example.

25 Q And Newt Gingrich is included as a cc on here. What was his role with

1 respect to the campaign?

2 A Informal, external ally.

3 ██████████. I just note for the record that Ms. Murphy has rejoined us?

4 BY ██████████:

5 Q So, in this email, it seems like John McLaughlin in the middle of the page
6 there says: The media is setting us up to allow the Democrats to steal the election.
7 We need to prove fraud and then ask some questions about precincts in various places.

8 You respond to this email and say: Not helpful.

9 Do you remember this exchange?

10 A Can you stop scrolling for a moment? Let me read it, please.

11 Q Yep.

12 A Okay. Again, not an email that I recall looking at any time. But my
13 recollection from that exchange was that I did not find it helpful that people were being
14 spun up on the fraud and steal fronts when it was the morning after the election and we
15 did not have a body of evidence to support that yet.

16 Q Okay. It seemed like, to that end, you're being careful; you didn't want to
17 just put any message out there. Is that right?

18 A Well, keep in mind that that morning of the 4th, and I don't remember if it
19 was precisely in the morning or maybe early afternoon, as we got together with the data
20 team and were looking, we were confident that we were going to win the race.

21 Q Now, you were active after this on Twitter in the days following the election
22 about issues related to fraud. And we can pull up exhibit No. 9, please. This is a tweet
23 that you sent out, I believe, on November 5th, 2020. Is that your personal Twitter
24 account, @jasonmillerindc?

25 A That is my -- that is my Twitter, yes.

1 Q And you say, at 2:55 p.m., so this is I guess 2 days after the election: Their
2 goal is to keep counting crooked ballots until they find enough votes for Biden to take the
3 lead. Do you recall posting this tweet?

4 A I do not.

5 Q Do you remember having this sentiment and sharing it?

6 A I remember that, on that Thursday afternoon, in the stretch of a couple
7 hours, we went from near 100 percent confident that we were going to win to thinking
8 that we'd likely lost the election. I remember that being the general mind-set the day
9 of, but I do not remember posting this tweet.

10 Q Okay. What do you think you meant when you said "crooked ballots"?

11 A There was great concern at the time about late-arriving ballots that our data
12 team was telling us were statistically well outside of the norm. And there were
13 concerns specific to voting integrity about whether these ballots had all been cast and
14 properly postmarked prior to the election.

15 Q So you mentioned the data team having concerns about ballots and ballots
16 being well outside of the norm. Had they reached a conclusion that these were in fact
17 fraudulent ballots by this point on November 5th?

18 A Not at that point, but there -- the data team was raising serious questions
19 about how many ballots were still out there until a certain point when they effectively
20 said we have no idea how many were out there. But I don't remember exactly when
21 that was said. Maybe that day or maybe the next day.

22 Q Okay. But it hadn't reached a conclusion yet, though?

23 A Correct.

24 Q On November the 7th, the major news outlets -- those being AP, CNN, NBC
25 News, FOX News, and others -- called the election for Joe Biden after they projected his

1 win in Pennsylvania. Do you remember that?

2 A Yes.

3 Q Did that active calling the campaign or the election for President Biden affect
4 the Trump's -- Trump campaign strategy on messaging?

5 A Of course, because the media and in quick succession effectively all the
6 media outlets called it, and then it was viewed as the race was over.

7 Q And one of the big story lines is that of course the President didn't concede
8 the election ever. Do you know why he didn't concede?

9 A So I think that -- I think there were multiple things that were going on. One
10 is that there were -- especially at that stage, there were increased concerns being raised
11 about voting integrity, and there were a number of different stories and examples -- some
12 proven, some not proven -- that were flying around. And there were the early stages of
13 forming legal challenges. So I think part of it was to avoid the mistake of, say, Al Gore,
14 for example, who many people said conceded way too early.

15 Q Do you know if anybody ever told the President that he had lost and that
16 there wasn't a chance of him winning?

17 A The -- I know that the President, when the networks called it, of course, he
18 was informed about the network decision. That afternoon at some point myself and a
19 handful of other folks went over and sat down with the President and communicated that
20 the odds of us prevailing in legal challenges were very small.

21 Q Okay. Let me talk to you about that. So that was on November 7th you
22 went to meet with the President at the White House?

23 A Correct.

24 Q Who else was with you?

25 A Bill Stepien, Justin Clark, Dave Bossie, Eric Herschmann.

1 Q Anyone else that you recall?

2 A That's it that I remember. That's everyone that I remember.

3 Q What about Mr. Meadows? Was he there?

4 A He had tested positive for COVID I believe the day before.

5 Q Did he call in?

6 A I don't recall.

7 Q All right. And just tell us what happened at that meeting, if you can, from
8 start to finish. How did it start?

9 A I mean, the question went right to discussing the fact that the media had all
10 called the race, that this was going to very much change the dynamics. And it is one
11 thing if you're still debating a contested election; it is another thing if you're debating a
12 called election. And Justin Clark told the President there was maybe a 5-percent chance
13 that we'd be successful in any legal challenges.

14 Q What did the President say?

15 A He disagreed and said it was much higher.

16 Q Did anybody push back on that?

17 A Justin did. Yeah.

18 Q How did he push back?

19 A He started to lay out the series of events that would need to happen to lead
20 to us winning in the series of court challenges that we'd have to be successful with to end
21 up winning. And I think the overall takeaway was that Justin was saying was that, even
22 if we're right on some of these things, our chances of receiving the remedy that we're
23 seeking would be very small.

24 Q That remedy being what?

25 A That remedy of -- of being that either votes that were cast being considered

1 to be invalid or the issue of votes -- yeah, essentially that, that certain votes would be
2 considered invalid by -- because of their voting method or the timing which they were
3 received if they were outside the scope of the law.

4 Q Why did he think that?

5 A You'd have to ask him on that.

6 Q Okay.

7 A Obviously, he was one of our lead legal people, and he'd been active with
8 the campaign voting litigation efforts through the summer up until that point.

9 Q Did he comment on the body of evidence that existed at that point, meaning
10 it wasn't there, or it was there?

11 A What Justin was basing -- to the extent that it was shared in front of me at
12 that point, it seemed to be the focus of his remarks were specific to ballots that were cast
13 in an unconstitutional manner or that the -- because of some of these big drops that were
14 still being investigated of the propensity for some of those ballots to have arrived after
15 the legally permissible time period, but we still did not have that information yet.

16 Q Okay. And I think you said he thought that the likelihood of success was
17 around 5 percent. Is that right?

18 A Correct.

19 Q What did you say during the meeting?

20 A I don't remember exactly what I said. I -- at a certain point, I was asked
21 if -- I thought that we had a good chance of ultimately being victorious. And I gave some
22 answer to the -- to express doubt that that would end up happening.

23 Q Did anybody in the meeting, other than the President, disagree with your
24 and Mr. Clark's analysis?

25 A I -- I would say -- I would separate the two only from the fact that not being a

1 lawyer, not being active in the campaign litigation, I couldn't have assessed a number
2 percentage. That's just something that's been outside of my bandwidth as a nonlawyer.
3 But, as far as was anyone disagreeing with the sentiment that the pathway to victory was
4 unlikely, everyone was -- agreed with that, except for the President.

5 Q Did anybody discuss the idea of President conceding during this meeting?

6 A The -- that was discussed prior to entering the meeting, but the President
7 was so adamant in his position that that wasn't a topic for discussion.

8 Q When you say it was discussed prior to the meeting, can you explain with
9 whom, when, where?

10 A The meeting participants on our way up to go see him.

11 Q What was the consensus, if there was one, about concession?

12 A That we'd need to have a serious conversation about doing so now that the
13 race had been called.

14 Q Did you think he should concede?

15 A At that point, yes, because knowing that regardless of how it would turn
16 out -- and obviously once -- once the networks call it, it's virtually impossible to get it -- to
17 get it reversed, that's just gravity that you can't fight. And knowing how close the
18 election was and that he'd still be viable 4 years later, I wanted to make sure it
19 wasn't as -- we didn't have a protracted environment.

20 Q And so, by not conceding, you thought that it could hurt him politically down
21 the road. Is that fair?

22 A Correct.

23 Q Did other people agree with you in this pre-meeting?

24 A We all seemed to have the same general opinion. I don't remember with
25 specificity who said what.

1 Q And in that pre-meeting, do you remember -- was it everybody except the
2 President?

3 A Correct.

4 Q Okay. And when I say that, just for clarity in the record, everybody who
5 attended that meeting with the President later that day?

6 A It was to the best of -- to the best of my memory, it was -- I think it was
7 either outside in the parking lot, or maybe when we were in the elevator, or standing out
8 kind of the general reception area there on the residence level.

9 Q And you said I think that, but I don't want to put words in your mouth, that
10 that topic of concession didn't actually come up in the meeting with the President?

11 A The -- I do not recall the suggestion being made in the meeting that he
12 should concede because I think he addressed his opinion on that before much of anything
13 else could be said.

14 Q How did that meeting end with the President?

15 A I don't recall the exact -- I don't recall the exact way it ended, per se.

16 Q Do you remember anything he -- else that he said during the meeting?

17 A I believe it was -- I remember he reiterated that he wanted Dave Bossie to
18 lead the challenges, to lead the legal team on those efforts, trying to -- whether it would
19 be concerns with fraud and irregularity or broader constitutional challenges to ensure
20 that the election was fairly decided, but other than the reiteration that Dave was in
21 charge at that moment, that's all that I really remember.

22 Q And, at that point, was Rudy Giuliani or his legal team involved in any of the
23 legal challenges or expected legal challenges that you were aware of?

24 A Not that I weigh was aware of.

25 [REDACTED]. Any other questions about this meeting?

1 ██████████. Yeah.

2 BY ██████████:

3 Q Mr. Miller, I appreciate your answers to ██████████'s questions.

4 One other subject matter, did anyone in the meeting raise the campaign's internal
5 polling data and whether it was consistent with the result as called by the networks?

6 A I don't remember any polling data being discussed. I mean, especially 5
7 days or so after an election, I think at that point pre-election data probably would have
8 been relatively worthless. For sure we would have discussed the -- again, the piece of
9 information that we had that were forming are decisionmaking was essentially was that
10 we didn't see where the ballots would ultimately come from to deliver victory.

11 Q Okay. So the campaign didn't -- was not in any way or you in this meeting
12 were not relying in any way on sort of internal exit or other polling data to compare to
13 the results? That wasn't part of the calculus?

14 A I don't remember it being a numbers-heavy conversation.

15 Q Okay. Do you know if anyone in the meeting conveyed to the President,
16 separate from the legal strategy, that crunching of the numbers, evaluation of the actual
17 results made it unlikely that he would win or essentially confirming that he had lost?
18 Again, not the litigation, but: Hey, we've looked at the numbers. We've evaluated the
19 results, and the numbers aren't there. You've lost, or, you know, this is correct.
20 Something along those lines?

21 A That conversation I believe happened the day before with the data team or
22 at least the lead of data team joining by phone.

23 Q Okay. The day before this conversation with the President, there was a
24 discussion about the -- sort of the numbers and what they showed?

25 A Yes.

1 Q Okay. Tell us more about that. Who was present for that conversation?

2 A I don't remember who all was present in person. I was in the Oval Office.

3 And at some point in the conversation Matt Oczkowski, who was the lead data person,
4 was brought on, and I remember he delivered to the President in pretty blunt terms that
5 he was going to lose.

6 Q And that was based, Mr. Miller, on Matt and the data team's assessment of
7 this sort of county-by-county, State-by-State results as reported?

8 A Correct.

9 Q Okay. And what was the President's reaction then when Matt said to him,
10 "Hey, we've looked at the numbers, you're going to lose"?

11 A I think it's safe to say he disagreed with Matt's analysis.

12 Q On what basis? Did he give a basis?

13 A He believed that Matt was not looking at the prospect of legal challenges
14 going our way and that Matt was looking at purely from what those numbers were
15 showing as opposed to broader things to include legality and election integrity issues
16 which, as a data guy, he may not have been monitoring.

17 Q I see. Okay. Who else, Mr. Miller, was present that you recall in the Oval
18 Office for that meeting that was more focused on the numbers and the data?

19 A I believe we had -- I -- to the best of my memory, I think it was Jared
20 Kushner, Bill Stepien, and Justin Clark. But again, that's -- that's the best of my memory.
21 The Oval Office meetings were frequently people coming in and out at various times.
22 And so it is tough to say who was definitely in a meeting or not.

23 Q Yeah. And I appreciate that. I know where you're going on memory here.
24 So you were present, along with Matt. And you mentioned Mr. Kushner, Mr. Stepien,
25 Mr. Clark, Justin Clark, and the President? Those are the folks you remember being

1 present for that conversation?

2 A Matt joined by phone.

3 Q I see. Okay. Matt was calling into the meeting?

4 A Our -- the White House called him and patched him in, but yes.

5 Q All right. And did everyone else in the room, besides the President, agree
6 with Matt's analysis, "Hey, you're going to lose, the numbers aren't there"?

7 A I can't speak for what everybody else was thinking. I know that myself and
8 Bill and Justin were pessimistic at the pathway to victory at that point.

9 Q How about Mr. Kushner? Did he say or do anything that manifested a
10 perspective on this issue?

11 A Not that stood out or that I committed to memory.

12 Q When the President pushed back, did anyone agree with him or join him, or
13 was it much like the meeting on the 7th, him disagreeing with all of you campaign
14 professionals?

15 A I would say more to the latter.

16 Q Him as a lone voice?

17 A Definitely the loudest voice. He's also the President of the United States.

18 Q Sure. Yeah. We have voices like that in our work as well. There's some
19 voices by virtue of their status are inevitably louder than others. I totally understand.

20 So this was Friday, November the 6th, that this meeting took place that was
21 focused more on data?

22 A To the best of my memory, yes.

23 Q Okay. And do you know how it came about? Was it scheduled,
24 spontaneous? How did it get arranged?

25 A I don't recall.

1 Q Okay. Okay.

2 [REDACTED]. I don't have anything else in particular about that, but back to you

3 [REDACTED].

4 [REDACTED]. Did you have any questions?

5 [REDACTED]. No.

6 BY [REDACTED]:

7 Q Very good. So, in that meeting, I understand the suggestion of concession
8 was pushed off. Did you ever raise the idea of the President conceding at any later
9 discussions?

10 A I don't remember if I ever brought it up in those specific of terms because his
11 position was so clear that that was not going to be the case.

12 Q Okay. And, even if not in those specific of terms, do you remember it
13 coming up in conversations with the President?

14 A In kind of a roundabout general ways, such as, if these court cases don't go
15 our way or if we're unsuccessful, what might come next, or kind of prodding the President
16 toward thinking about a post-January 20th political future.

17 Q Did he ever entertain any of those ideas?

18 A What do you mean by "those ideas" or --

19 Q The ideas of conceding or a post-January 20th political career?

20 A He didn't entertain the idea of conceding. But he did express the likelihood
21 that, if the court challenges did not go his way, that there's a good chance that he would
22 be back, and that there's a good chance he'd probably run again.

23 Q And was that -- did this come up in multiple conversations, or was it just one
24 in particular that you remember?

25 A Multiple.

1 Q And multiple, was that stretched out across the post-election period up and
2 through January 20th?

3 A I would say multiple, all the way through both through November,
4 December, into January. I don't remember how far it stretched. Obviously, there had
5 been conversations like that up to January -- again, somewhere in that range. And then,
6 even afterwards, I don't remember, say, there was a date that they stopped happening,
7 for example.

8 Q Do you remember if anybody else suggested that he concede the election?
9 And I'll just go through some names. Mr. Meadows for example?

10 A Not that I ever saw.

11 Q Did you ever hear about Mr. Meadows encouraging him to concede?

12 A No, but I also don't remember hearing him arguing that he shouldn't
13 concede. I just don't remember Chief Meadows having a conversation about conceding.

14 Q What about Bill Stepien?

15 A I don't recall Bill, at least I was not present of him saying that to the
16 President.

17 Q Did you hear that he did say that to the President?

18 A No. That's what I'm saying, I'm not aware of any conversation that Bill may
19 or may not have had to that effect.

20 Q Okay. What about with the Vice President, did you ever have any
21 conversations like this with the Vice President about the ticket and the future of the
22 ticket?

23 A We certainly had political conversations with the Vice President and even
24 what the Vice President's future might hold, but not about conceding.

25 Q What was the Vice President's perspective on whether the ticket had won or

1 lost, or conceding?

2 A I think it's a realistic perspective. It was similar to most of the campaign
3 and political professionals that were in the orbit that the race had been called. It was
4 probably unlikely to be overturned but that we owed it to both our supporters and to the
5 American public overall to make sure that the election was conducted in a
6 constitutionally fair method so that everyone would have confidence in the election going
7 forward. And if we left it open ended, without resolving some of these broader
8 questions, then the country would be further divided.

1

2 [1:10 p.m.]

3 BY [REDACTED]:

4 Q And by that, I take it to mean, though I don't want to assume, that "bring
5 your challenges in court, and see what happens." Is that fair?

6 A Yeah. That would be -- bring the concerns, whether it be the constitutional
7 or unconstitutional nature in which some of these State voting rules were made
8 pre-election, but then at various points also having the opportunity to present widely
9 discussed and debated aspects of fraud and irregularities.

10 Q Okay. But it sounds like the campaign and the Vice President's position
11 may have been that it's okay to accept the results of the court cases, for example. Is
12 that right?

13 A I don't recall ever having a conversation with the Vice President about
14 accepting or not accepting court cases, for example, but there was -- I think there was a
15 realistic mindset about what the percentages for success were, as Mr. Clark had said at
16 5 percent, and I think he may have even said that may have even been a little bit
17 generous.

18 Q Do you remember, other than the names I mentioned, anybody else who
19 encouraged the President to concede?

20 A There were countless people in the media, and so -- some of which I would
21 interact or have communications with, and certain that I wouldn't. So, whether it be
22 pundits on television or newspaper columnists or people saying things on social media, I
23 don't remember which of those conversations would've been, say, direct, which of those
24 would've been where I saw it out in the ether, so to speak. But there were, I mean, tons
25 of people that were saying it.

1 Q Sure. And I should've been more specific: people within the White House
2 who encouraged the President to concede.

3 A I think it was made so clear early on that he was not going to concede, at
4 least not any time soon, that nobody wanted to storm up that hill.

5 Q My understanding is that, at some point, Bill Stepien's role with the
6 campaign changed and that a legal team led by Rudy Giuliani and others kind of took
7 control. Is that an accurate characterization?

8 A Yes.

9 Q When did that happen?

10 A The week after the election. I think the -- was that the week that ended
11 maybe -- that week that ended the 13th, so basically that following week after the
12 meeting in the residence.

13 Q And do you know why that happened?

14 A I think there were a couple of things.

15 One, when the President said that Dave Bossie was in charge on the legal front -- I
16 think he'd actually maybe said that the day before, maybe on the 6th, or maybe
17 announced it then on the 7th. But then Dave Bossie tested positive for COVID, I believe
18 it was on Sunday, the 8th. I think he may have actually informed us maybe Monday, the
19 9th.

20 So, then, with Chief Meadows out due to COVID, with Bossie out due to COVID,
21 that week was largely a rudderless week, as far as what was happening. And, by the end
22 of that week, Rudy and his group were in charge.

23 And Bill -- I don't remember there being a formal decision saying, you know, "Bill,
24 you're out," but Bill left that week, went back to -- I'm not sure -- Pennsylvania or New
25 Jersey, wherever he lives. And I don't know if I ever saw him again until maybe January.

1 Q Was this the President's decision?

2 A I don't remember there being a specific order or directive on this, but I think
3 Bill had had enough. And I don't think that -- I don't think he was speaking with the
4 President very frequently at that point, and so I'm not even sure if the President knew or
5 recognized that he had effectively gone home.

6 Q Was the President upset with Mr. Stepien?

7 A I would -- look, anytime you're a campaign manager of a Presidential race
8 that has been called for the other team, you take a lot of -- you have a big target on your
9 back. There was a lot of second-guessing, things of that nature. But I don't remember
10 the President vocalizing anything specific about Bill. I think he just effectively moved on.

11 Q What were your thoughts when Rudy and his team -- or, Mr. Giuliani and his
12 team came in?

13 A Could you be more specific?

14 Q Were you glad to see the mayor and his team kind of take over at the
15 campaign?

16 A I wouldn't use the word "glad." I would say that there was a -- it was a -- I
17 think the dynamic that you're looking for is -- I think it's a little bit different. I think
18 showed kind of a departure from the campaign lawyers who had been leading the efforts
19 to root out fraud and irregularities and push some of the constitutional challenges, that
20 they were being marginalized in favor of people who had not previously been active in
21 the fraud and irregularity and constitutional challenge efforts.

22 Q And what were your thoughts on that? Did you think that that was a good
23 strategy for the campaign?

24 A So, not being a lawyer, let alone a constitutional lawyer, that's a little tough
25 for me to say what would be the most effective.

1 I know from the campaign legal allies that I was close with, they expressed
2 significant concern about the quality of the legal team that was assembled or their
3 knowledge of the issues that were being debated. And, obviously, there was no love
4 lost between Mayor Giuliani and some of the other campaign officials.

5 And so I think there was a concern that it'd quickly devolve into a more chaotic
6 environment.

7 Q Did Justin Clark have those concerns?

8 A Yes.

9 Q What about Matt Morgan? Was he one of those people with those
10 concerns?

11 A Yes.

12 Q Anybody else that you recall who had those concerns?

13 A Well, just by the organization, or lack thereof, of the effort, even nonlawyers
14 were having similar concerns.

15 Q Did you have those concerns, apart from the validity of legal arguments, just
16 from a strategy perspective, going with the mayor and his team versus the established
17 campaign team?

18 A So this is -- this will -- and, again, not being a lawyer, I can't speak to which
19 strategy or strategies would've been more efficient.

20 Certainly the mayor had a more aggressive posture towards pursuing some of
21 these concerns specific to fraud and irregularity. But, as far as which -- the lack of
22 organization was pretty obvious, but the legal strategy itself, I'm not a lawyer, so I can't
23 really speak to that.

24 Q How did your role change with this change at the campaign?

25 A My role -- I think that my role shifted to be more of one that was looking out

1 for the President's long-term political viability and trying to communicate what the
2 ongoing operation was doing with allies and voters who maybe didn't understand the
3 dynamics or why the post-election effort was continuing.

4 Q Okay.

5 BY [REDACTED]:

6 Q Mr. Miller, who else was in the category of the campaign lawyers who were
7 marginalized? I think you used the word "marginalized." I'm curious who besides
8 Mr. Bossie, Mr. Clark, and Mr. Morgan were in that category.

9 A So Bossie was marginalized because of COVID, and then I don't think he ever
10 came back.

11 Q Okay.

12 A The -- largely Justin Clark and Matt Morgan. I think they each may have
13 had deputies or teams that worked with them to a certain extent. But those would be
14 the two main players.

15 Q Yeah.

16 And fair to say that the campaign's legal team was very focused on issues of
17 election integrity before the election. Isn't that right? They were looking at making
18 sure that the rules were complied with and that the procedures had not changed unfairly.
19 They were kind of experts, right?

20 A Yes. I think that there was still significant debate about whether those
21 changes were made fairly --

22 Q Uh-huh.

23 A -- in a constitutional method. But, yes, the voting -- the efforts for voting
24 integrity were something in particular that Mr. Clark and Mr. Morgan were both
25 intimately familiar with well before I even rejoined the campaign.

1 Q Yeah. It just sounds to me, sort of big picture here, that he sort of threw
2 the specialists out and brought in the generalists, right? You've got a knee surgeon
3 who's there to operate on your knee, and you fire him, and you bring in a cancer doctor.
4 The Giuliani-Ellis-Powell team had not near the experience with respect to
5 election-specific issues as the folks that you say were marginalized.

6 I know that's a long question, but I want to make sure that's an accurate
7 characterization of your perception of, sort of, who was in and who was out.

8 A I would -- having not had knee or cancer surgery, I can't --

9 Q Okay.

10 A -- speak to those analogies, but I would say it was a shift from those whose
11 primary -- those whose preferred playing ground was in the courtroom versus in front of
12 a camera.

13 Q I see. So the focus became more of a communications one rather than a
14 core legal or litigation one?

15 A I can't speak to whether or not it was -- if that was the primary, but
16 the media role of the legal team certainly increased with the leadership change.

17 Q Okay. And my guess is that made the President very happy, the public face
18 of the fires on the new legal team. Is that fair to say?

19 A In conversations where it came up, I know that the President was happy that
20 there was more public demonstration that some of these legal challenges or pathways
21 forward were being pursued. But certainly not all of the media appearances made him
22 happy.

23 Q Yeah. Okay. Thank you.

24 BY [REDACTED]:

25 Q Of that team, Mr. Miller, that came in, Mr. Giuliani was there. What did

1 you know his role to be? Was he kind of the guy who took over?

2 A He was the guy that took over, and the President made clear that he was
3 leading the legal team.

4 Q And so did Justin Clark and Mr. Morgan have to report to Mr. Giuliani at that
5 point?

6 A I don't remember if it was said -- I don't remember if it was -- the reporting
7 structure, how exactly that was decided. But they were -- I know that they had had
8 some conversation, maybe the previous day, where I think they sat in a big, massive
9 meeting room at the opposite ends of a big, long conference table and essentially just
10 shouted down to each other and it didn't go well.

11 So I don't know if there was a formal leadership structure directive or if they just
12 essentially stepped back and they said Rudy was in charge and he went from there.

13 Q What about Sidney Powell? What was her role?

14 A So Sidney was -- somewhere right around this stretch, she started
15 communicating about issues about election fraud and irregularities that didn't seem to
16 have all that much basis in fact. Somehow these messages were getting to the
17 President. And I know that at least over that weekend of around the 14th, 15th, that
18 even Mayor Giuliani thought that Sidney Powell was not being helpful and that her ideas
19 were somewhat outlandish and a bit out there.

20 But I've only -- I only recall ever seeing or meeting Sidney Powell one time, or even
21 being on a phone call or in the same room as her.

22 But that -- so she was not a -- and, actually, the entire Giuliani team, shortly after
23 they took over, moved out of the campaign office within a couple days, and I think they
24 went to the Mandarin Oriental Hotel in D.C. and set up shop there.

25 ██████████. And, just for the record, Ms. Cheney has rejoined us.

1 BY [REDACTED]:

2 Q You mentioned that there were some things that Ms. Powell were saying
3 that didn't have an adequate basis in fact. Do you remember what those were?

4 A Most of them.

5 Q Can you give any examples?

6 A I don't know where she was right on anything. So it just seemed to -- I
7 mean, everybody saw the RNC press conference and the unleashing of the Kraken. So
8 that's probably the lasting memory.

9 Q Okay. I'll throw one out there. I know she mentioned at that press
10 conference Dominion voting machines and allegations about Dominion. Is that one of
11 the things that you're referring to that lacked a basis in fact?

12 A Based on what I knew to be the case, yes.

13 Q Okay. And, of course, she later said, I think in a lawsuit where she had
14 been sued, that no reasonable person could believe some of the statements she was
15 making. So that's consistent with your understanding about that stuff as well, right?

16 A That would be accurate.

17 Q All right.

18 What about -- I know you've talked about Ms. Ellis and explained her role before
19 the election. What was her role after the election?

20 A She largely inserted herself as Mayor Giuliani's wingman, for lack of a better
21 term.

22 But we had a pretty notorious dustup at the campaign office on the 14th, where
23 she had been instructing some of the remnants, the people that were hanging on to
24 provide media support, research, track things -- she started telling them, including even
25 the really nice lady that did the makeup and ran the television studio, that everybody

1 reported to her and that, if they didn't report -- that Jason and Bill and Justin were all
2 gone from the campaign and, if anybody didn't report to her, that they'd be terminated.
3 And, you know, a lot of these were especially young folks who lived paycheck to
4 paycheck. And I didn't take too kind to that.

5 Q Did you confront her about that?

6 A I did.

7 Q And what was your instruction to her or your conversation like?

8 A I pretty much expressed the thought that I wasn't a big fan of hers.

9 Q Did she back down after that about her instruction that everybody report to
10 her?

11 A She denied it. But then we had a sit-down with Mayor Giuliani, and Rudy
12 instructed her to take a more positive work-friendly environment approach.

13 Q Other people on that team, including Bernie Kerik -- what was his role, as
14 you understood it?

15 A I can't speak to it with a lot of granularity. And, obviously, he's a longtime
16 aide and coworker with the mayor. My understanding was that Bernie focused on, kind
17 of, some specific, one-off things such as, if there were allegations of fraud or
18 mismanagement, that he might go and pursue those or try to find people on the ground
19 that would have a better understanding.

20 But Bernie is not a lawyer, so essentially he was just kind of helping out with the
21 team. He was someone who was supportive of the President and the mayor.

22 Q Like, an investigative role?

23 A I don't know if I've thought about it necessarily in that context, but I think it's
24 probably fair to describe it as such.

25 Q What about Christina Bobb? What was her role?

1 A Kind of hang-around lawyer-type person.

2 Q Did she function as a lawyer? Was she giving legal advice, to your
3 knowledge?

4 A I know that she's given advice. I can't speak to lawyer-speak, as far as
5 who's officially of counsel or not counsel, those sorts of things, or when something is legal
6 advice versus just political advice. I'm not an expert, necessarily, on that. But certainly
7 she was a participant in the mayor's team.

8 Q What about Phil Waldron? Do you know him?

9 A I'm sorry. Who?

10 Q Phil Waldron?

11 A That name's not ringing a bell.

12 Q Colonel Phil Waldron? I believe he represented that he had some kind of
13 computer and forensics expertise. And if you don't know, that's fine.

14 A Yeah, I'm not -- that's not a name that's ringing a bell.

15 Q What about Members of Congress? In one of the documents that you gave
16 to us, which is Bates ending in 2036 -- I won't pull it up here, but it was a November 9th
17 brief, like the one that we looked at before, that said part of the legal team included
18 Representative Jim Jordan and Scott Perry. What was their role?

19 A At some point, I believe the Congressmen went to Pennsylvania for some
20 reason as far as -- had something to do with checking on the concerns with fraud and
21 irregularities. I don't remember what specifically it was, but it had something to do with
22 Pennsylvania.

23 Q Did you interact with Representative Jordan as part of the campaign?

24 A On occasion. A pleasant enough guy. We've interacted a number of
25 times, but not with great regularity.

1 Q Anything substantive other than, you know, we need you to go out and say a
2 message?

3 A Not that I recall.

4 Q All right.

5 What about Scott Perry? Did he have an active role in the campaign, or is it just
6 to assist with this effort in Pennsylvania?

7 A So I can't really -- I wasn't the person that necessarily oversaw coalition
8 efforts in battleground States as far as what we had respective Members of Congress
9 doing. That would've been more of the political team that would've had regular
10 interaction. So I can't speak to if he had a lot of interaction or a little interaction. I
11 certainly had little -- you know, little, if any.

12 Q Who is the person that would've been coordinating those efforts, the
13 coalition efforts in battleground States?

14 A Good question, because we didn't have a political director on the campaign.
15 The short answer is I don't know.

16 Q I've heard the name Mike Roman come up in election day operations and
17 working with States. Do you know anything about that?

18 A I know he was in Philadelphia post-election and was active with some of the
19 voter-integrity-type efforts or, I think, of making sure that we had poll-watchers where
20 that's legally permissible. But beyond that, I can't really speak to what he was up to.

21 Q We understand that Representative Perry may have introduced an individual
22 from the Justice Department named Jeffrey Clark to the President. Do you know
23 anything about that?

24 A I think I remember that name from news reports, I think probably in
25 connection even with your efforts, but I don't recall ever speaking with or knowing who

1 that was prior to these news reports.

2 Q Do you remember hearing anything about the President considering
3 changing the leadership at the Department of Justice?

4 A I've heard the President discuss changing leadership for every position that
5 probably exists in the U.S. Government when he was President, so you'd probably have to
6 be more specific.

7 Q Yeah. Do you remember Jeff Clark's name ever coming up as somebody
8 who might be taking over at the Department of Justice in that period after the election?

9 A I don't recall -- I don't recall Jeff Clark specifically.

10 Q Okay.

11 So, in the days after the election and after it'd been called for
12 now-President Biden, the President tweeted several times, in one of which he said that
13 the election had been rigged. Did that word, "rigged," have any significance to you and
14 the folks at the campaign?

15 A I think that -- I think what most of us at the campaign believed, that it was
16 definitely a positioning tool that he was using. And what I frequently said was that it
17 was legally rigged, and -- specific to the point that these rules were changed under the
18 guise of COVID to greatly benefit the Democratic candidates.

19 Q But, in your mind, that distinction was a rules-based versus a fraud, dead
20 people voting, those types of issues.

21 A When I would say it, that's what I was referring to, that they -- there's been
22 much debated about, I guess, Article II, I believe it is, where it talks about State
23 legislatures needing to make the changes. Again, being a nonlawyer, but -- that the
24 rules were changed outside of that scope.

25 Q Right.

1 Okay. So, if you could pull up exhibit 11. And this is a document you provided,
2 ending in Bates 10895.

3 Mr. Muyskens. [REDACTED]?

4 [REDACTED]: Yes.

5 Mr. Muyskens. It is 1:30, and I'm not as young as I used to be. Is there -- and I
6 hate to ruin your pace here and I apologize, but could we just have a few minutes?

7 [REDACTED]. Absolutely. How about 10 minutes?

8 Mr. Muyskens. That would be super. Thank you.

9 [REDACTED]. Sure. All right. We'll go off the record.

10 Mr. Muyskens. And I apologize for slowing you down.

11 [REDACTED]. That's quite all right. I'm not as young as I used to be either.

12 [Recess.]

13 [REDACTED]. It's 1:47, and we are resuming the deposition of Mr. Jason Miller.

14 BY [REDACTED]:

15 Q So, Mr. Miller, right before we left, we were pulling up exhibit No. 11, which
16 is a document you provided, ending in Bates 80195.

17 This is an email that you sent to Mr. Stepien on November 11th, 2020. And it
18 looks like you're forwarding an alert about a tweet that the President had issued that
19 said, "People will not accept this Rigged Election!" Then I believe you said to
20 Mr. Stepien, "He's all in now."

21 Do you remember this?

22 A I do not recall sending it, but obviously I'm reading it as it's being presented
23 me here.

24 Q What do you think you meant when you said "he's all in now" in response to
25 this tweet?

1 A I think it's pretty self-explanatory, that the President's messaging with regard
2 to, you know, embracing some of the terminology.

3 Q I mean, this is a further step towards, you know, we're contesting this
4 election, he's not going to concede?

5 A I would say to the -- again, absolutely he's concerned about voting integrity,
6 to make sure people, regardless of your ideological background, you have confidence in
7 the elections. And this obviously is more inflammatory language.

8 Q Okay. So you saw this as different from, let's challenge some of the rules
9 that were in place. This is now towards kind of the fraud, the Mayor Giuliani side of the
10 allegations? Is that right?

11 A I don't necessarily want to go and be the person who -- I don't think it's fair
12 for me to determine, necessarily, Mayor Giuliani's descriptions of things. But I would
13 say that, again, my goal is to ensure that people have confidence in our voting systems
14 and, ultimately, when an election is over and someone is sworn in, that we move on to
15 the next election.

16 Q All right.

17 Let's go to the next exhibit, exhibit No. 12. This is ending in Bates 12081. This
18 is another exchange you had with Mr. Stepien the same day about a similar tweet.

19 The President tweeted, "A brave patriot. More & more people are stepping
20 forward to expose this Rigged Election!"

21 And you responded with just the term, "Rigged Election."

22 And Mr. Stepien said, "Well, we got a week."

23 Can you explain this?

24 A I don't recall what Bill meant with his response. Obviously I was
25 highlighting the specific phrasing, but I don't recall what Bill was commenting on.

1 Q Why were you highlighting that phrase in particular, "rigged election"?

2 A I think that there's a difference between raising the broader constitutionality
3 and issues, as well as the fraud and abuse that during the time was being heavily debated,
4 and invalidating what at the time appeared to be the election results. So I didn't think
5 that particular phrase was particularly helpful.

6 Q Because it fell into that latter category that you just explained?

7 A I think that -- I think there's a lot of room to go and contest some of the
8 concerns with the way the election was conducted. But I think there's a difference
9 between that and -- if we want to bring the country together, then going and saying that
10 it was -- that the results were invalid, so to speak.

11 Q Okay.

12 If you can go to exhibit No. 16, please. This is not a document that you
13 produced. This is a text message between you and Ms. McEnany.

14 And I'd just ask, your phone number, does it end in [REDACTED]?

15 A Yes.

16 Q All right.

17 So you sent Ms. McEnany -- who I assume you understood to be the White House
18 press secretary? Is that right?

19 A Yes.

20 Q You sent her a tweet attachment, or an attachment that is a screenshot of a
21 tweet, and that tweet said, "He won because" -- and this is from the President. I'm
22 sorry, let me be clear.

23 So the President tweeted, "He won because the Election was Rigged. NO VOTE
24 WATCHERS OR OBSERVERS allowed, vote tabulated by a Radical Left privately owned
25 company, Dominion, with a bad reputation & bum equipment that couldn't even qualify

1 for Texas (which I won by a lot!)."

2 So you sent that, along with the following comment: "I just spoke with the
3 president about this tweet, and here's how I'm answering it, following the direction he
4 gave me. 'The President was referring to the mindset of the media. His goal remains
5 to un-rig the election and continue exposing voting irregularities and unconstitutional
6 election management by Democratic officials.'"

7 Do you remember the sequence that's described in these text messages?

8 A No.

9 Q Okay. Do you remember talking to the President about a tweet where he
10 says "Rigged Election"?

11 A Not specifically, but it wouldn't be necessarily uncommon.

12 Q Do you remember the President giving you direction about responding to a
13 tweet or answering questions about his tweet?

14 A Not in this particular example.

15 Q Okay.

16 One of the things that stands out here, potentially, is that the President said he
17 won, meaning Biden won. Do you remember having to, kind of, walk back a statement
18 by the President indicating that Biden won and that he lost?

19 A I just -- I don't remember the intricacies of the conversation or how it came
20 about. I mean, I vaguely remember it, but, in fairness, there are so many news cycles in
21 any given day that this is just, you know, one blip on one day, with all the activity.

22 Q And, just to be clear, you say you vaguely remember it. What do you
23 vaguely remember about this?

24 A Just in reading the exchange there with Kayleigh, that's -- I vaguely
25 remember the exchange, or at least maybe the conversation, but nothing more detailed,

1 unfortunately.

2 Q So you don't remember what the President said to you, for example?

3 A Not -- I mean, other than what's written here. I mean, typically, when
4 there were tweets that maybe needed some additional context or if I was getting
5 bombarded by reporters wanting clarification on tweets, I would call up and -- call the
6 President up and make suggestions about how I would answer the incoming questions,
7 and then he would give me feedback.

8 Q On November the 7th, there was a press conference -- that was the same
9 day the election was called -- there was a press conference at the Four Seasons Total
10 Landscaping in Philadelphia.

11 Did you have any role in that press conference?

12 A No.

13 Q That was led by the Giuliani team. Is that right?

14 A Correct.

15 Q Did you provide talking points or any materials that Mr. Giuliani or his team
16 relied on at that press conference?

17 A Not that I recall. The mayor was in Philly and -- thought it was at the Four
18 Seasons Hotel. Ended up not being the case. Obviously you saw the social media
19 traffic on it. But I think that was with people who were up in Philly, so I don't -- I was
20 busy communicating with the President that day.

21 Q What were you communicating -- oh, and those are the communications you
22 had already described to us, correct? The --

23 A The meeting -- yeah, the meeting with the President on the 7th.

24 Q Do you know what evidence Mr. Giuliani and his team relied on to
25 substantiate the claims that he made at that press conference?

1 A I do not.

2 Q Okay. One of the things that he talked about at that press conference was
3 dead people voting. Are you generally familiar with that issue, when I say "dead people
4 voting"?

5 A Generally, yes.

6 Q Okay.

7 So, if we can go to exhibit No. 13, please. This is a document you provided to us.
8 It ends in Bates 12090.

9 BY [REDACTED]:

10 Q And before you leave that, Mr. Miller, do you have any information as to
11 what caused the confusion about the location of that particular press conference, how it
12 ended up at the Four Seasons Landscaping as opposed to the Four Seasons Hotel?

13 A Nope. I was watching it play out on Twitter.

14 Q Did you come to learn later what happened, what caused -- it couldn't have
15 been the intention of the campaign or Mr. Giuliani to hold it at that location. Do you
16 know why it ended up there?

17 A I do not.

18 Q Okay.

19 BY [REDACTED]:

20 Q All right. So this is an email between you and Alex Pfeiffer on 11 -- or,
21 excuse me, November the 11th of 2020.

22 Who's Alex Pfeiffer?

23 A He's a producer for Tucker Carlson, or -- I don't know if he's still a producer,
24 but at least he was at that time.

25 Q Okay. You, looks like, sent him some information about Georgia dead

1 voters. At least, that was the subject line. Do you remember why you sent
2 information about purported dead voters in Georgia to Mr. Pfeiffer?

3 A Yeah. There was a number of talk about dead people voting and various
4 aspects of fraud and irregularities. The campaign had commissioned somebody to do a
5 check at least with -- I don't know how many States, but I think a couple of States, to go
6 and match up and see -- there was some database or some program about people who
7 had voted versus people who were potentially dead. And Alex reached out to ask if I
8 had any examples, and so I shared this with him.

9 Q And the expert -- it looks like, in the email, in the middle of that, it says, "My
10 expert has 100% confidence in the accuracy of this information (subject to any errors in
11 SSDI database, which is rare but not unheard of)."

12 The expert there, who is it? Do you remember his or her name?

13 A I don't recall the name of the person who actually conducted it. I know
14 that attorney Alex Cannon was essentially the internal go-between between whoever ran
15 this analysis. And I believe Alex had shared it with me. And that's -- Alex Cannon
16 shared it with me, and then I shared it with Alex Pfeiffer.

17 Q Okay.

18 Do you remember the name Matt Braynard?

19 A I know that -- I don't believe I ever met Matt, but I think he's some kind of
20 conservative activist guy, maybe a little more on the flamboyant side. I don't recall if
21 I've ever met or directly interacted with him.

22 Q The reason I ask is because Matt Braynard submitted an affidavit and some
23 various cases that I believe the Trump campaign and others brought around the country
24 and he discussed data related to dead people voting. So I was wondering if you think
25 the expert might be Matt Braynard.

1 A Not that -- not that I recall. I thought that the person who actually did the
2 database work was more of a database professional as opposed to a, say, political
3 consultant. But that was my recollection.

4 Q Okay.

5 Did you ever look at the evidence about dead people voting?

6 A So, after the Tucker broadcast, I had my internal research team, or the
7 remnants of it that were still around, take a much closer look at everything that had been
8 provided with regard to dead people voting.

9 Q Do you remember what the conclusion was of the internal research team?

10 A That there were a handful of examples from the specific pieces of evidence
11 that were given. Not enough to swing the election, but obviously a fraudulent vote is a
12 fraudulent vote and worth investigating and looking at to ensure confidence, but that
13 there wasn't a tremendous amount.

14 Q Okay.

15 On November 19th -- we've already hit on this a little bit, but on November 19th,
16 Mr. Giuliani, Ms. Ellis, Sidney Powell spoke at a press conference at the RNC in
17 Washington. Did you attend that press conference?

18 A I did.

19 Q Whose idea was it to have that press conference?

20 A Initially, it was mine, and that this was going to be the opportunity for the
21 mayor and the legal team to present all the evidence that they had been gathering.

22 Q Had you seen the evidence, or did they just tell you they had it at that point?

23 A They told me they had it.

24 Q You said initially it was your idea. Did that change at some point?

25 A Well, "initially" meaning that the idea started with me. But I guess the only

1 point that I'd clarify was that, as far as the list of speakers, for example, that grew from
2 what I had initially suggested.

3 Q Who ended up speaking that wasn't originally expected to?

4 A Sidney Powell, for one. And I suggested that the mayor speak, but I did not
5 suggest that -- at least I don't recall suggesting that Ms. Ellis speak. But, obviously, the
6 mayor and Jenna were part of the team. And I thought up until that point that even
7 Mayor Giuliani thought that Sidney's claims were a little bit out there and unfounded, but
8 she was invited to participate.

9 Q Did you prepare any materials for that press conference?

10 A I believe the poster board that was behind the mayor that said "Pathway to
11 Victory" and highlighted the States where there were election challenges, I had my team
12 put together that graphic. But as far as the substantiation for the specific claims, I don't
13 recall having anything to do with that. That was the legal team.

14 Q Okay. So you didn't look at, like, the substantive talking points or the
15 evidence behind those substantive talking points. Is that right?

16 A I don't recall seeing those in advance. They weren't necessarily organized
17 and in a super-coherent fashion, so it wasn't something that was easily reviewed.

18 Q And some of these things were presented as, kind of, fact by Mayor Giuliani
19 and Ms. Powell and Ms. Ellis, despite the fact that I think Ms. Ellis referred to it as, like,
20 the opening statement of the challenges.

21 Did you have any reason to believe at that point that the purported facts were not
22 actually true?

23 A Some of them, yes, in particular with regard to Dominion Voting Systems.

24 Q How had you determined those allegations about Dominion Voting Systems
25 were not true at that point?

1 A The campaign's internal research team had done some analysis work the
2 week before about the factualness of the claims surrounding Dominion and came to the
3 determination that, while you could hit Dominion for being a company with a spotty track
4 record and numerous errors, that the international allegations for Dominion were not
5 valid.

6 Q Okay. Did anybody communicate that to the President?

7 A I know that that was -- I know that was communicated. I know I
8 communicated it.

9 Q What was the President's reaction when you told him that the Dominion
10 allegations weren't true?

11 A Well, and to be specific on that, the -- certain things you could raise with
12 Dominion with full confidence. They've had numerous errors in numerous States.
13 Obviously they had the issue with Antrim County. But not the international issues.

14 Q And I'm going to get to that in just a second.

15 I understand that after this press conference Ms. Powell was asked to produce
16 evidence to support her claims and she refused to do so. Specifically, the President
17 made that request. Is that true, to your knowledge?

18 A I don't remember the exact chronology for how that played out.

19 Q What do you remember about that playing out?

20 A Essentially that she didn't have any facts, and then she was asked to produce
21 them, and then I think she disappeared.

22 Q Was the President upset about that?

23 A I know the President communicated that he thought the press coverage of
24 the press conference was not good.

25 Q Meaning how it would be perceived?

1 A Meaning the post-press-conference coverage was not positive, even by FOX
2 News, for example.

3 Q Why did that upset him?

4 A Because this was supposed to be a press conference where a number of
5 these details were going to be laid out, these irrefutable details, and they weren't.

6 Q Did he know that some of the claims that she was making were not true?

7 A I can't speak to what necessarily he knew or didn't know specific to
8 Ms. Powell's claims.

9 Q Did you ever tell the -- we just spoke about dead people voting and your
10 team's analysis of that. Did you ever communicate your team's findings to the
11 President, that there were some instances that you thought there might be dead people
12 voting but there wasn't widespread -- a proof of widespread dead people voting?

13 A Well, I said that, from what we had been able to determine -- but keep in
14 mind, my team -- when I say "my team," meaning the remnants of the campaign team
15 that were still around -- were relying on evidence that had been pulled by outside people.
16 So it's not as though the inside campaign team was out doing the original research.
17 They were just verifying the results.

18 Q Okay. But did you communicate those findings? Understanding they may
19 be kind of from a limited set here, but did you communicate that to the President?

20 A I don't remember if I specifically talked about the numbers that we had from
21 the limited findings. I just don't remember.

22 Q Do you remember ever telling him -- well, let me back up.

23 In early December, I believe, Attorney General Barr made a public statement that
24 DOJ had looked into issues and he had not seen widespread fraud that would change the
25 outcome of the election.

1 A, is that consistent with your understanding about the allegations of fraud in the
2 election?

3 A My understanding is that I think there are still very valid questions and
4 concerns with the rules that were changed under the guise of COVID, but, specific to
5 election day fraud and irregularities, there were not enough to overturn the election.

6 Q And did you give your opinion on that to the President?

7 A Yes.

8 Q What was his reaction when you told him that?

9 A "You haven't seen or heard" -- I'm paraphrasing, but -- "you haven't seen or
10 heard all the different concerns and questions that have been raised."

11 Q How many times did you have this conversation with the President?

12 A Several. I couldn't put a specific number on it, though.

13 Q But more than one?

14 A Correct.

15 Q Did he say what the types of things he was seeing were?

16 A Sometimes, although I didn't commit to memory what specific examples he
17 was hinging on, for example, as there were so many different issues being raised during
18 that stretch, it was tough to keep track of all of them.

19 Q Did you do anything or have your team do anything to look into any of the
20 allegations he was raising?

21 A Again, by that point, most of the investigative-type work would've been
22 done by Rudy and his legal team as opposed to anyone in-house, or if there was
23 quasi-still-in-house.

24 Q All right.

25 So Mr. Kerik has publicly stated through his attorney that, as investigator for

1 Rudy's legal team, he was not able to reach any definitive conclusions because he didn't
2 have subpoena power, for example, or the time to do a full investigation.

3 Did you know that at any point before January 6th?

4 A That he did not have subpoena power or that --

5 Q Fair point.

6 A -- he didn't find -- or what's the --

7 Q That he had not reached any actual conclusions.

8 A I don't recall ever hearing any sort of definite thing being said before
9 January 6th that was as clear as "I have not found any definite conclusions." I don't
10 recall ever hearing something that definitive.

11 Q Okay. But there were pretty definitive statements about there being fraud
12 in the election and "we have proof that this happened." So is it a surprise to you that
13 Mr. Kerik later said that they had never actually reached a firm conclusion?

14 A Well, I guess there are two questions there, the first being, was it a surprise
15 that no firm examples were put forward? I guess the answer would be no, just because
16 we're at this point now in 2022 and we haven't seen them yet. So, if they have been
17 found, then they probably would've been put out there. So that's not particularly
18 newsworthy.

19 And I can't speak to Mr. Kerik's mindset or what he was thinking during that
20 post-election stretch.

21 Q Okay.

22 At some point, Ms. Powell was fired, right, and she's no longer a member --

23 [REDACTED]. Before I get into this question, Ms. Cheney, I see you turned your
24 camera on.

25 Ms. Cheney. Thanks, [REDACTED]

1 Thanks, Mr. Miller.

2 I just wanted to go back to the issue of the Dominion voting machines. I think
3 you mentioned that you had talked to the President at some point about the allegations
4 around Dominion. Could you just expand on that a little bit for us?

5 The Witness. To the best of my memory, it was my communicating that it was
6 fair game to criticize the company and their track record and their efficiency, particularly
7 in light of the mistakes that were made in Antrim County, Michigan, on election night and
8 some other issues they had had, but that the international rumors that were swirling
9 around were unfounded.

10 Ms. Cheney. And what was the basis -- had you had a separate briefing on the
11 international piece of it? What was the basis for your knowledge that those were
12 unfounded?

13 The Witness. The remaining internal research team at the campaign went and
14 looked that up to see what could be -- essentially what could be said and what shouldn't
15 be said.

16 Ms. Cheney. Okay. Thank you.

17 BY [REDACTED]:

18 Q And just to follow up on that, Mr. Miller, I'll pull up exhibit No. 18 first. And
19 this is an email -- you did not produce this email, but this is an email between you -- or,
20 excuse me -- Dean Cleary, Zach Parkinson, and Matt VanHyfte, and Jacki Kotkiewicz.

21 Do you recognize those names?

22 A So I know -- I recognize Dean's name and Zach's name. I do not recognize
23 the other names, but I see they have campaign emails.

24 Q Were Dean and Zach part of this research team that you were referring to?

25 A Yes. Zach was the lead, and Dean was his deputy, I believe.

1 Q And were they the people that you asked to look into the allegations related
2 to Dominion?

3 A Zach specifically. And then he empowered his team, however he
4 empowered them.

5 Q Okay.

6 And if you go to page 3 of this, understanding that you did not produce this,
7 Mr. Miller, but does this look familiar to you? And it's titled "Dominion, Smartmatic,
8 Sequoia And Venezuela," and then it has some top-line findings.

9 A I mean, I'm looking here where you put it. I don't -- I remember having,
10 obviously, the followup discussion.

11 Mr. Muyskens. You know, [REDACTED], if I could interrupt, there is a version very similar
12 to this that we did produce, if you would -- I know we're not worried about admissibility,
13 et cetera, but would you like us to give you the Bates number for that?

14 [REDACTED]. That would be fine, but I think I can do this without that.

15 Mr. Muyskens. I will be quiet. I apologize. I was trying to be helpful.

16 [REDACTED]. No, I appreciate that, Mr. Muyskens.

17 BY [REDACTED]:

18 Q So, Mr. Miller, I know you had asked your team to look into this. Do you
19 remember them producing a memo or a document of findings related to their research
20 on Dominion?

21 A Yes.

22 Q Okay. And, on this document, it does say that "there is no apparent
23 relationship between Smartmatic and the Spanish company Indra." It also says,
24 "Dominion has no direct ties to Venezuela." "There is no evidence that Dominion's CEO
25 or any other leader of the group has ties to Antifa."

1 Is that consistent with the findings that you were told with respect to Dominion?

2 A Again, my broader memory was that the international claims were
3 unfounded. I didn't commit to memory some of the details that you just listed.

4 Q Okay.

5 I'd go to exhibit No. 17 now, which is another version of this memo. This is dated
6 11/12, so November the 12th, of 2020, and this is about Dominion Voting Systems and
7 top-lines as well.

8 And then on page 2 there's a headline, I guess you'll say, called "Technical Failures
9 in the 2020 Election." I'll wait to get there so you can see it as well.

10 Yep.

11 So were you aware that there were findings that -- I'll just read the top bullet
12 point: "Machines from Dominion Voting Systems did experience technical failures on
13 election night, but these errors were reportedly fixed and did not lead to improper vote
14 counts."

15 So was that part of the conclusions that your team had reached, to your
16 recollection?

17 A Well, keep in mind that when you say -- define "team."

18 Q Your research team that you talked about earlier.

19 A So this was consistent with what I remember reading. I committed to
20 memory the Antrim County example but not the Oakland County example. But this
21 seems consistent with what I remember.

22 Q Okay.

23 And, to that point, the next bullet point does say, "Antrim and Oakland Counties in
24 Michigan counties saw tabulation mistakes that were reportedly the result of human
25 error, and the totals were corrected."

1 Is that consistent with what you remember your research team finding?

2 A I don't remember on some of these what the ultimate finding was as publicly
3 reported or which of these details, I would say, first apprised of by my own team. But,
4 again, I remember Antrim County in particular.

5 Q Okay.

6 And about Antrim County, do you remember that shortly after the issue of
7 Dominion Voting Systems came up, the Antrim County clerk as well as the Michigan
8 secretary of state addressed it? They said this was, in fact, a human error and that they
9 had since corrected it. Do you remember that?

10 A I remember they had corrected it. I think it was maybe to the tune of, like,
11 6,000 votes. But I do not remember the determination that it was human error.

12 Q Okay.

13 And how did that, if at all, those reports and their findings, meaning the secretary
14 of state and the Antrim County clerk, affect the messaging that either the campaign was
15 putting out or the President?

16 A Well, with regard to the campaign, I believe that in -- I think that the issue
17 had literally just been raised earlier that day and so was not something that the campaign
18 was, that I recall, actively talking about. But that's why I wanted to get to the bottom of
19 what we could or couldn't say before it became something that was incorporated into
20 campaign messaging.

21 Q All right.

22 Do you remember Mr. Meadows asking you to look into this issue?

23 A I don't remember if it was Meadows in particular, but I thought the chief
24 was still out with COVID around this stretch, but I might be misremembering that.

25 Q Okay.

1 If we can go to, I believe it's exhibit 76. And this is, again, just trying to refresh
2 your recollection, but there is -- these are text messages that we've obtained.

3 If you could zoom in, these are text messages at the top, the first four lines there.
4 I believe that's your phone number that's ending in [REDACTED], Mr. Meadows' ending in [REDACTED].
5 The white, just for your reference, indicates a message that you received. Blue indicates
6 a message that you sent.

7 So Mr. Meadows on November the 11th says, "Who does the software glitch
8 investigation for the campaign. All of the allegations, to see if they have merit."

9 Do you remember if this was referring to the Dominion issue?

10 A What was the date on that?

11 Q November the 11th.

12 A And that was Wednesday, the 11th? Is that -- or is it --

13 Q I believe so. Yeah.

14 A Boy, I just don't remember that exchange. Not to say that it didn't happen.
15 I just -- not something I remember.

16 Q Do you remember Mr. Meadows expressing an interest in this issue?

17 A Not in great detail at that time. Again, any interaction with the chief I think
18 would've been by phone or text or emails. I think he was still out with COVID.

1

2 [2:20 p.m.]

3 BY [REDACTED]:

4 Q And, while we're on Mr. Meadows, let me just ask you, there's some text
5 messages with you and him about spending and ad buys. And I believe in late
6 December, so jumping forward a little bit, you mentioned -- you told him about an ad buy
7 that you planned to make on various places: Wisconsin, Georgia, Michigan, national.
8 You said that we had 1.6 million booked on local cable and talking about an overall
9 budget of \$5.5 million.

10 Why would you be talking to Mr. Meadows about ad buys and particularly the
11 amount of money spent on ad buys?

12 A I don't remember that particular conversation with Chief Meadows, and I
13 don't know the context, if he asked me what was happening or if I was proactively letting
14 him know. So I'd need a little bit more context to know why I was discussing that with
15 him at that point.

16 Q Okay. Fair enough. And that's the extent of that message that I have.
17 But was it -- did Mr. Meadows regularly check in on the campaign spending?

18 A I mean, I know at various points I had conversations with him about
19 campaign spending. But, again, I don't know -- that particular exchange, it's just not
20 something that I have great clarity on.

21 Q Do you know why he was interested in campaign spending?

22 A Can you put it back out to see, so I can see again what it was that was said?

23 Q Sure. That's on page 2 of exhibit No. 76.

24 It's that one right in the middle, and if you would zoom in on that big block of text.

25 A Could you possibly make that bigger? I'm sorry.

1 Q Spreadsheets I guess don't do particularly well on screen sharing, so I
2 apologize.

3 A And was this in response to something that he had sent to me, or did I
4 originate the conversation?

5 Q I don't believe it was, Mr. Miller. I don't know that, but I don't believe it
6 was.

7 So I guess, even just stepping away from the context of this particular message,
8 I'm just trying to understand why Mr. Meadows would be interested in this.

9 A I mean, the chief had great interest in what was happening with the efforts
10 as far as both the legal challenges that were going on, but then also conversations with
11 State legislatures about what their activities were to investigate certain claims.

12 But, again, just seeing this in a vacuum -- and I, again, don't know if I was
13 responding to something or the exact dynamics -- this seems -- what I'm -- yeah, this
14 seems to be in more detail than I traditionally would have had a conversation with him
15 on.

16 It also looks like something I may have, say, cut and pasted from a media buy or
17 something to give him an update. But that seems way more in depth than I normally
18 would have had a conversation with him on.

19 Q I understand, and I appreciate that this is a long time ago, and it was one
20 message that we're asking you to comment on. But did Mr. Meadows have any other
21 kind of interest in the campaign? You provided an email where he approved a press
22 release and essentially said: Go for it.

23 Why would he be approving press releases for the campaign?

24 A Well -- and, again, I'm not sure which press release in particular you're
25 referring to, but if there were certain campaign communications that we want to make

1 sure that we're consistent with what the administration were saying or if there were
2 issues surrounding the investigation into fraud and irregularities or voting integrity, we
3 would want to sync up to make sure it was consistent with what he was seeing, I may
4 have shared things.

5 But, in a traditional sense, if it was a regular press release, most of those would
6 not go in front of him, unless I thought for some reason, then we would make sure they
7 were coordinated.

8 Q Okay. And we'll pull up -- it's exhibit No. 19, and it's Bates number ending
9 in 11828.

10 But I understand that Mr. Meadows actually went to Georgia and viewed vote
11 counting, among other things. Do you remember that happening?

12 A I do. I don't remember the exact timeframe, but he was particularly
13 interested in Georgia.

14 Q Do you know why he was so interested in Georgia?

15 A I just assumed because his district -- or his former district is adjacent to
16 northeast Georgia. I think he might have one or two adult children living in Atlanta.
17 But, other than the geographic and familial relationships, I'm not aware why.

18 Q Do you know he actually went down to witness vote counting and speak to
19 the election officials down there?

20 A I know he went on a trip, but I don't remember the takeaway or the details.
21 It was not something that was heavily coordinated with me.

22 Q Okay. And this -- we've pulled up now the exhibit that I was referencing
23 earlier. It's an email from Mark Meadows to you on November the 30th. It's about
24 Trump campaign sends fifth request to Georgia Secretary of State for signature audit.
25 And then you sent it to Mr. Meadows, and he says: Go for it.

1 Does that refresh your recollection on this particular issue?

2 A On this issue, to the best of my recollection, was that Chief Meadows had
3 taken quite an interest in Georgia and wanted to know activities about it. He didn't
4 have confidence in Mayor Giuliani's team to do anything in Georgia. In fact, I think he
5 said keep Rudy away from all things Georgia and that he just wanted to be in the loop for
6 anything that the campaign was doing with regard to Georgia and the post-election voter
7 integrity phase.

8 Q Do you know why he wanted to keep Rudy away from all things Georgia, as
9 you just said?

10 A I think it went to general opinion on legal abilities, but also the fact that a
11 New Yorker might not play particularly well with folks in Atlanta.

12 Q Is it fair that Mr. Meadows lacked confidence in Mr. Giuliani's legal strategy
13 with respect to Georgia at least?

14 A With respect to Georgia, yes.

15 Q Did he tell you that explicitly?

16 A Yes.

17 [REDACTED]. Anything else on these issues?

18 BY [REDACTED]:

19 Q So, with respect to communications with Mr. Meadows, did you use any
20 other apps, encrypted or otherwise, to communicate with him other than just the straight
21 up texts that we he showed you?

22 A I don't recall anything other than text or email with the chief.

23 Q Okay. Did you have a Signal account -- and maybe you're going to get into
24 this, and I don't want to jump ahead. I'm just --

25 [REDACTED]. No.

1 BY [REDACTED]:

2 Q -- curious if you had Signal or other encrypted communications that you
3 used, Mr. Miller, for any campaign-related business?

4 A I don't recall for campaign-related business. I mean, at various points I've
5 had a number of different apps. It was not the culture or the regular run of show to use
6 apps of that nature for campaign communications.

7 Q Okay. And did you search whatever you had on Signal or anything else for
8 documents responsive to our subpoena?

9 A Yes.

10 Q Okay. And produced -- you didn't produce any of the others, so I assume
11 that means nothing responsive was found on that or other encrypted platforms?

12 A Correct. To the extent that I have additional platforms, I treat it similar to
13 my text messages where when I'm done and I've checked off the next item, I typically
14 delete it.

15 [REDACTED]. Yeah. Okay.

16 Thank you.

17 [REDACTED]. Any other questions before I move on?

18 BY [REDACTED]:

19 Q Real quick, Mr. Miller.

20 You said that Mr. Meadows didn't have confidence in Mr. Giuliani, at least with
21 respect to Georgia. Do you know who Mr. Meadows did have confidence in with
22 respect to Georgia?

23 A Cleta Mitchell.

24 Q Okay. And do you know when Ms. Mitchell became involved, at least with
25 respect to Georgia?

1 A Not exactly.

2 Q And is it Mr. Meadows who brought Ms. Mitchell in for Georgia?

3 A I can't speak to him being the one person who brought her in or a definitive
4 move there, but I know that Chief Meadows is close with Ms. Mitchell.

5 Q I wanted to go back a little bit before where we were talking about the
6 internal research team. And I know you said there wasn't, it seemed like a huge crew
7 maybe after election day, but you went to them to at least to do some for the dead voters
8 I think in advance of something with Tucker Carlson?

9 Do you remember that? It was exhibit 13. We can pull that up to refresh your
10 recollection for the Georgia dead voters.

11 A I remember I definitely worked with our internal research team on the issue
12 of dead voters. I don't remember how much of that was done before Tucker Carlson or
13 afterwards, but I know we had considerable discussions about it that week.

14 Q Okay. So I was just curious, for this issue, why you went to your internal
15 research team to look into it versus going to the Giuliani team, who I understand was
16 doing work related to dead voters.

17 A Because the internal team could quickly turn something around and actually
18 had the people who could do such work. I wasn't aware of anyone on the Giuliani team
19 who could actually do the first-person work themselves.

20 Q How -- what was your understanding of how the Giuliani team did their
21 work? Were they -- to your understanding, were they farming it out to others?

22 A I never got a clear understanding of that.

23 Q Okay. Were there any instances that you recall where you did go to the
24 Giuliani team to ask for, you know, specific examples of something maybe in advance of a
25 media appearance that you or someone else was doing?

1 A Oh, there are numerous examples of when I would ask for details or what
2 the latest was or was it -- whether it be talking points or research materials, or things of
3 that nature.

4 Q And would you get information back?

5 A Typically I would get maybe something forwarded that some third party had
6 prepared or I might get two or three random bullet points, but rarely something that I
7 could actually really go and use.

8 Q Okay. So, from what you can recall, you asked sometimes for information,
9 but it wasn't -- what you received wasn't always in maybe the format or usable to you?

10 A Correct.

11 Q Did you have concerns, from what you recall, like, that you didn't think it was
12 reliable or you had questions about where the information was coming from?

13 A Yes.

14 Q Okay. Can you go into more about that, to the extent you recall?

15 A Well, I mean, in particular, anything after the November 19th press
16 conference where essentially there was no evidence that was put forward, anything
17 would have been viewed through a different lens after that point because there were
18 concerns that there was no real evidence.

19 Q Do you recall, did you ever have any conversations with Mr. Giuliani or his
20 team, like, about your concerns or asking them if they could do a little bit more because
21 you weren't satisfied?

22 A Frequently.

23 Q Frequently, okay.

24 Do you recall -- not to get into legal, you know, discussions or privileged
25 information, but if they gave a reason why?

1 A I would either be given insufficient data to back up my request or unproven
2 data points, or I would be told that it was being worked on.

3 Q And this was kind of the frequent response from the Giuliani team?

4 A Correct.

5 Q I wanted to briefly touch on, Ms. Cheney had brought up the conversation
6 that you had with President Trump about Dominion.

7 Do you recall when exactly that was when you told him that there was some
8 things he could criticize, but with respect to the international allegations, it seemed
9 unfounded based on what the team had done?

10 A I don't remember if I told him -- my recollection was that I first heard about
11 this Dominion issue on the 11th or 12th of November, and I think the researchers maybe
12 compiled it maybe evening of the 11th or morning of the 12th, something in that range.
13 I didn't take a close look of the dates when you put it up there, but I do know I
14 communicated that with the President I think at the latest on the 12th.

15 Q Okay. So it would have been before the press conference at the
16 Republican National Committee meeting with Powell and Ellis and Giuliani?

17 A Correct.

18 [REDACTED]. Thank you.

19 [REDACTED]. All right. If we could pull up exhibit 77, please.

20 BY [REDACTED]:

21 Q This is a December 1st email from Sonny Joy Nelson to a number of people.
22 Subject line: Surrogate briefing call 11 a.m. eastern today.

23 Here are the notes from the call.

24 Who is Sonny Joy Nelson?

25 A She was a media booker and worked with surrogates on the campaign. I

1 would describe her as a hardworking, very bright junior employee.

2 Q It says -- at the middle of the email there, it says: Surrogate Briefing Call,
3 hyphen, 12/1/2020, and then under it in italics are your name and Jenna Ellis's name.

4 Does that mean that you participated in this call?

5 A I know that there was at least one call that I did with Jenna. I don't recall
6 really the specifics or how much she spoke versus how much I spoke, but I remember
7 there was at least one.

8 Q What's a surrogate briefing call?

9 A It's essentially an update for campaign allies, people who might find
10 themselves doing media appearances, so they can get a sense of how best to explain
11 what our thinking was at the time.

12 Q And the first bullet point there under your name, it says: Our legal and
13 recount efforts are proceeding on two separate tracks.

14 Then it says: One is through the judicial branch, and the other is through State
15 legislatures.

16 Can you explain what these two different tracks were?

17 A Not in great detail simply because, again, I'm not a constitutional lawyer.
18 But I know that there were -- my best recollection is that the judicial branch was -- or
19 were legal challenges taking issue with the way that the elections themselves were
20 conducted and the admissibility of certain ballots, depending on when they were received
21 or how they were distributed.

22 And then the State legislatures was about encouraging State legislatures to
23 conduct their own investigations into fraud and irregularities to ensure voter integrity and
24 confidence in the election.

25 Q And the State legislature side of that, was one possible outcome, at least in

1 the campaign's view, that the State legislature would then appoint its own set of
2 electors?

3 A I think that's going a step far. I think the -- at least my recollection of these
4 conversations was that they would hold these hearings on fraud and irregularities, and if
5 something egregious were found, that that could possibly change the direction of the
6 election for that State. It was much more about investigating these alleged examples of
7 fraud and irregularity.

8 Q Okay. Well, let me go down to the bottom of this document, and maybe
9 that will trigger something here.

10 But the third bullet point up from the top, it says: Under Article II, section 1.2,
11 the State legislature is the only authority under the Constitution to select their slate of
12 delegates to the electoral college.

13 Do you remember that coming up, this idea of legislatures appointing their
14 electors for the electoral college?

15 A I mean, I remember, obviously, the discussion came up a number of times
16 during this post-election phase, but, again, not being a constitutional lawyer, the accuracy
17 of such, that's not something I can weigh in on.

18 Q Yeah. And I'm not going to ask you to opine on whether it was legal, illegal,
19 warranted, unwarranted, any of that; just the fact that discussions were happening about
20 alternate electors. And that's kind of the phrase I'll use going forward, if that's all right.

21 So was the President aware of this dual track as its described, the judicial track
22 and the State legislature track?

23 A Well, again, I just want to just take issue with one thing you brought up
24 there. My conversations I remember being much more about the States holding
25 hearings or investigating these alleged aspects of fraud and irregularities.

1 The whole issue of the alternate slate, I remember at a later point there was some
2 conversation around that, and certainly it's been in the news over the past few days; but
3 with regard to my efforts is very specific to -- and my conversation with the Giuliani team
4 was they wanted these State legislatures to investigate out some of these concerns, but
5 that it usually wasn't connected immediately then to this alternate slate conversation.

6 Q Okay. When is the first time that you remember this alternate slate issue
7 coming up?

8 A I think it was just before -- if memory serves me correctly, I think
9 December 8th is maybe the safe harbor day and maybe December 14th is when -- that
10 was the deadline for State certification or ratification. I'm not sure which term is the
11 appropriate legal one, but that each State, I think by the 14th, had to make decision
12 about who their electors were going to be. And I seem to remember it being a scramble
13 or a swirl during that week or the immediate run-up that for some aspect of preserving
14 options in case a legal challenge from the judiciary path were granted, that this is
15 something that had to be done as a placeholder. That's the way it was explained to me.

16 Q Okay. And do you remember in that conversation -- I'm going to go
17 through a number of things to see if it refreshes any of your memory. But do you know
18 who you were talking to about this in that timeframe?

19 A I mean, everybody on the Giuliani team was pretty steadfast that this was
20 legally something that had to be done, so, in the case that there was some success with
21 one of these legal challenges that could have swung ultimately the victory from one
22 campaign to the other, that this slate needed to be in place. Otherwise, you'd lose all
23 ability to essentially be able to push for that.

24 Q And, in this time around December the 8th, did Mr. Giuliani raise this?

25 A Yes. Mr. Giuliani, Ms. Ellis, seemingly everybody on their team was

1 steadfast in their opinion that this not only was legal, but it was required in case we were
2 successful with one of these other election challenges.

3 Q Okay. I want to show you exhibit no. 21. This is a news article published
4 in The Atlantic on December the 23rd, so about a month and a half or so before the
5 election. The title of the article -- and I'm not going to have you read the entire thing
6 here, but the title is called "The Election That Could Break America." And it's written by
7 a person named Barton Gellman.

8 If we go to page 24 of this article.

9 While Grant is scrolling down to 24, do you remember seeing this article based on
10 title or appearance?

11 A The Atlantic is trash. I try to avoid them as much as possible.

12 Q So you don't remember this article?

13 A No. They're terrible. Everyone who works there is terrible. I have not
14 found them to be reputable in previous dealings in a professional environment.

15 Q Okay. Well, on page 24, the third paragraph down, it says: Trump may
16 test this. According to sources in the Republican Party at the State and national levels,
17 the Trump campaign is discussing contingency plans to bypass election results and
18 appoint loyal electors in battleground States where Republicans hold the legislative
19 majority. With a justification based on claims of rampant fraud, Trump would ask State
20 legislators to set aside the popular vote and exercise their power to choose a slate of
21 electors directly.

22 And then it goes on.

23 So this was published, like I said, about 6 weeks or so before the election. Do
24 you remember anything like this coming up in discussions with the campaign or RNC in
25 the pre-election period?

1 A I do not recall this ever coming up, not in that time period. I don't
2 remember seeing this article even afterwards.

3 Q On page 25, in the middle of the page, third paragraph down, it says, The
4 Atlanta asked the Trump campaign about this, the plans to circumvent the vote and
5 appoint loyal electors, and then somebody named Thea McDonald provided comment.
6 Who is Thea McDonald?

7 A Thea.

8 Q Thea. Sorry.

9 A She was a lawyer who worked -- I believe she worked under Justin Clark.
10 I'm sure I've met Thea at some point. I don't remember interacting with her
11 much, but she's very highly regarded within the campaign as being a good lawyer and a
12 smart worker.

13 Q Do you remember anybody raising the fact that the campaign was getting
14 questions about alternate electors in the pre-campaign period?

15 A Not really. I mean, just by the fact that the response came from Thea, who
16 was someone who worked with Justin Clark on the legal side, meant that it was probably
17 some of these -- just all the general voting type questions were pushed off to legal, and
18 they came up with a response as opposed to one of the more political type
19 communications folks.

20 Q All right. If we can go to exhibit no. 22.

21 This is an email that you provided to us ending in Bates 1983. It's from Salena to
22 Jason Miller, and it says: Top Republican in Pennsylvania Senate shoots down false
23 theory that legislature would rig electoral college for Trump. And it's an article about
24 this Atlantic piece that we just looked at.

25 Who's Salena, if you remember?

1 A Yeah. If you go to the email, it looks like it's identified as Salena Zito from
2 the -- I know she's written for the Washington Examiner, the New York Post, maybe
3 Pittsburgh Tribune, maybe. She's a reporter with long Pennsylvania ties.

4 I do not remember this email or the article or even the first article from The
5 Atlantic.

6 Q Do you remember her reaching out to you at all about this electors issue?

7 A I -- I mean, boy, 5, 6 weeks before an election, it's tough to remember much
8 of anything. I don't remember this exchange, no.

9 Q All right. I'll have you go to exhibit 24, please, and this is an email you
10 provided ending in Bates 11713.

11 This is an email chain that involves Vince Haley, Stephen M., Ross Worthington,
12 you, Bill Stepien. And this is dated November the 5th.

13 So, if you go down from the bottom up, in the middle, on November 5th, at 12:17
14 p.m., it looks like Stephen Miller -- is that Stephan Miller's -- go up just a little bit.

15 Is that Stephen Miller's personal email address, that [REDACTED] account?

16 A Yes, at least at the time of this exchange.

17 Q Okay. He says: Do we want to call on State legislatures to get involved?
18 And then Vince Haley -- who's Vince Haley?

19 A He's part of the President's speech-writing team.

20 Q He responds on November 5th and says: If there are substantial doubts
21 about the integrity of the final outcome in various States, then State legislatures would be
22 within their prerogative under U.S. Constitution, he goes on, to intervene and pick a
23 Trump slate of electors notwithstanding what slate is certified by the secretary of state in
24 that State.

25 Do you remember this exchange?

1 A Not this specific exchange.

2 I mean, Vince is a smart guy. I'm not aware of him being a constitutional lawyer,
3 but keep in mind that, on the 5th -- what time was his email sent? If we can scroll back
4 up.

5 Q This was November the 5th. And to be candid, sometimes the document
6 review system changes eastern time to Greenwich mean time, so this is either 6 p.m. or
7 around 1 p.m.

8 A So keep in mind that day on the 5th, we started that day thinking that we
9 had won for sure and ended that day thinking that we had most likely lost for sure, so
10 probably had a number of different things I was focused on besides emails, con law
11 emails from the speech writers.

12 Q Fair enough.

13 But do you remember around that time this idea of alternate electors coming up
14 at all, even outside the context of this particular email?

15 A Not at that point. I just -- again, not being a lawyer, let alone a
16 constitutional lawyer, it just seemed a little bit -- as a nonlawyer, it seemed a little bit
17 farfetched that -- I guess maybe if the lawyer said it was a necessary step to preserve
18 optionality for the case of some of these challenges, maybe. But it just seemed like a
19 farfetched strategy to me. So I don't think that I ever put a ton of internal confidence in
20 it.

21 Q Okay. So it sounds like at some point, though, it became a bigger topic that
22 you needed to listen to or focus on. Is that right? And that was maybe around the
23 December 8th timeframe?

24 A That's when I seem to most remember it becoming an issue because the
25 earlier conversations talked about when kind of the end dates were: Would it be

1 December 8th? Would it be December 14th? And then, at a certain point, then it
2 became January 6th. So some of these -- things like alternate electors and things like
3 that, again, I just remember that being a swirl to, hey, is this a thing? Is someone doing
4 it? But don't remember kind of who was, like, really in charge or how it was coming
5 together.

6 Q All right. That was going to be my next question as far as who you thought
7 was spearheading the effort. Do you have any thoughts on who that might have been?

8 A So I remember having conversations basically raising the question about, so
9 if this is something we have to do, then who's actually in charge of it? I thought there
10 was a conversation with RNC about does the RNC have people that they can plug in if this
11 is an actual legal necessity, but I don't remember who ultimately was in charge of that
12 effort.

13 Q Do you know if anybody at the RNC participated in this effort?

14 A I don't recall.

15 Q Boris Epshteyn, he was recently on TV talking about this. Do you know if he
16 had a role in this effort?

17 A As someone who's part of Mayor Giuliani's team, he certainly would have
18 better insight into what ultimately was happening with it. I believe at one time, or
19 maybe a couple of times, I asked Boris: What's going on here? Is this -- are you guys in
20 charge of it, or who's doing this? I don't remember the response, but I seem to
21 remember asking him frequently at a point here if we couldn't get an answer from Mayor
22 Giuliani, that I would ask Boris since he was typically with the mayor.

23 Q Do you remember what he said about it, any specific conversations?

24 A Not with any real detail, just other than, like everything else, it was a bit of a
25 swirl.

1 Q Do you know what Matt Morgan or Justin Clark's view on this work,
2 specifically alternate electors?

3 A Yeah, I think they thought it was crazy.

4 Q Did they tell you that? Did you talk to them about it?

5 A I certainly had conversations, I know, with Justin about it. But the way it
6 was presented is that it's crazy to think that this will work. It's not going to go
7 anywhere. There's differing legal opinion about whether or not you need to do such a
8 thing to have some kind of placeholder, but Justin did not think that you needed to.

9 Q And do you know if this was ever briefed to the President, the idea of
10 alternate electors?

11 A I don't know. I don't recall having that conversation or being in the room
12 when that was being had.

13 Q Did Justin Clark or Matt Morgan or anyone else say they had had a
14 conversation with the President about alternate electors?

15 A Not that I recall. At least not with the President, I don't remember. I
16 don't remember Justin or Matt saying anything specific to the President.

17 Q Do you remember any internal conflict between Mr. Giuliani's team and Mr.
18 Clark or Mr. Morgan on this topic?

19 A I mean, not conflict around this topic. I mean, by the time we got to kind of
20 that early December point, the ship had already sailed, as far as the more traditional
21 lawyers interacting with the Giuliani legal team, unless it absolutely was forced. So, for
22 example, if funding, because Morgan and Clark had control over the checkbook, and so
23 there would have to be interaction if someone wanted to get paid.

24 Q All right.

25 Now, I want to go on -- still on the same topic, though -- to exhibit no. 25. This is

1 an email exchange. You did not produce this to us, so I'll give you some time to look at
2 it. But starting at the bottom -- actually on the very top of page 2, right there.

3 He sends -- Mr. Meadows, using this Gmail address -- and I'll ask you first, do you
4 recognize that as being Mr. Meadows' address?

5 A At least at that time, yes.

6 Q All right. So he sends you an email and says: Let's have a discussion
7 about this tomorrow and attaches -- you can see on the top of page 2 -- a document
8 called 2020-11-20 Chesbrough Memo on Real Deadline2.pdf.

9 Do you remember getting a memo written by Ken Chesbrough on alternate
10 electors?

11 A I mean, I remember the name just because it's a little bit goofy, but I don't
12 remember the contents necessarily of the memo.

13 Q Okay. So, on December 6, Mr. Meadows sent you that and says: Let's
14 have a discussion.

15 You respond a few minutes later and say: You bet. So you know, Justin and I
16 did on background calls on this very subject with Maria, Levin, Chuck Todd and Margaret
17 Brennan yesterday. I might be missing one or two others.

18 Can you tell us about that background call you did on this issue with those people?

19 A Yeah. I think it was one of the last times, I think, whoever tried something
20 like that where we wanted to communicate that there were still ongoing legal challenges
21 and that the -- I believe that it was around this time that the -- as most of the press corps
22 was saying -- then, again, I think it was the 8th for the safe harbor and maybe the 14th for
23 the electors being certified. I think that's the right terminology. They were saying this
24 is basically coming to an end, and I think we were saying that technically the last time that
25 there can be any issues raised is January 6th because that's when actually they count the

1 electoral ballots at the Capitol.

2 And there was an example, I believe it was Hawaii in 1960, where the -- I might be
3 misstating this somewhat, but where the electors voted for one candidate; they went to
4 the other candidate. So I'm just saying that the final deadline was truly January 6th, as
5 far as any, say, legal issues that might be outstanding, whether it be in the Supreme Court
6 or in other places.

7 Q Okay. And that Hawaii example, is that how it was described to you?

8 A Correct.

9 Q The way you just described it?

10 A Yes.

11 Q Okay. There's a reference in here that says: Justin, we should do a
12 national press call tightly focused on this tomorrow, no?

13 Now, I can't see everybody who's on this just by the way it's produced. So do
14 you think that reference to Justin would have been Justin Clark?

15 A Most likely.

16 Q It sounds like Mr. Clark didn't put too much stock into this idea of alternate
17 electors. So were you guys being told to run with this idea and help coordinate it?

18 A I don't remember where exactly direction was coming from at that point.
19 But there were a number of ongoing legal challenges and legal issues as things were
20 starting to approach, in particular the Federal level or as they were starting to approach
21 the Supreme Court, but I know, based off of the lack of interest from the reporters that
22 we had chatted through about January 6th and anything extending beyond December,
23 there was little to no interest in anything going forward.

24 Q Mr. Meadows' response to your email about 10 or 15 minutes later says: If
25 you are on it, then never mind the meeting. We just need to have somebody

1 coordinating the electors for States.

2 What did he mean by that, or what did you understand that to mean?

3 A Can I see the next up, what my response was?

4 Q It says: Nope, we did the meeting/call. Was just letting you know we'd
5 been working on the PR angle. Free to talk whatever you are tomorrow, Chief.

6 A So, to the best of my memory, I was communicating that we did need to talk
7 about what was happening on the electors because it was a complete swirl, and there
8 didn't appear to be any clear organization.

9 Q Okay. And, as far as coordinating the electors, did you understand that to
10 mean actually getting the electors to meet in their respective States and fill out the
11 paperwork and go through with sending the votes?

12 A I can't speak to what Chief Meadows was specifically saying in that point. I
13 just know that from -- prior to those days, whether that was on the 8th or the 14th, or
14 whenever those people would gather in their respective State capitals, that it was a swirl.
15 No one was in charge. I have no idea how any of the efforts even ended up really
16 coming together. So it was kind of just a -- it was not particularly well organized.

17 Q Did you have a role in organizing those meetings and efforts?

18 A Not as far as a turnout of -- or calling individuals and saying: Can you
19 say -- can you be in charge?

20 I don't remember exactly, say, what I heard during that week or say if I was
21 performing any communication support. But I just remember there's this big -- again, I
22 use the word "swirl" because it wasn't clear who was in charge or who was doing what.
23 And then, in some of the States, some people showed up and said that they were the
24 alternate slate of electors.

25 Q So do you remember anything specific you did do to help make sure that

1 these electors met and cast their votes?

2 A Not that I remember.

3 Q So the fact that Mr. Meadows is sending this to you at least suggests to us,
4 but I don't want to assume, but it suggests that he's interested in this idea.

5 Do you know why he's interested in the alternate electors meetings?

6 A Well, I can tell you why -- I can speak to why I was interested. I don't know
7 if I can speak to why the chief was interested.

8 Q Sure.

9 A Yeah, I was just concerned about how something like this would play out,
10 who would show up to such a thing like this, if they would do anything that would
11 ultimately reflect negatively on the President or be detrimental to his future political
12 viability.

13 Q What would something that would be detrimental that could come out of
14 this, in your view?

15 A Well, if there -- for example, if somebody was acting unruly or if it was a
16 group of weirdos that showed up at one of the particular States that did not represent
17 the President or his broader base of supporters well.

18 Q Were you were concerned that any of these meetings would be, like, aired
19 live or recorded, anything like that?

20 A I don't know if I would put too much stock into what exactly they might look
21 like, but any aspect of disruption would have ultimately -- the blow-back would ultimately
22 go back to the President or the campaign or the legal team or broader Trump supporters
23 in general.

24 Q So was there a need to do this without much publicity? Is that part of it?

25 A I mean, from my aspect, the less attention there was, the better. It just

1 didn't seem to be -- I mean, it wasn't influencing either of those tracks, whether it be with
2 the legislatures or with the courts.

3 Q And we understand, based on part of our investigation, that there was a
4 concerted effort to make sure that the press did not attend at least some of these
5 meetings and that people did not have their cell phone recording them.

6 Were you aware of those limitations on these meetings?

7 A I remember being an advocate for less coverage or having this not be
8 something that we're putting front and center, but I don't remember those specific
9 requests.

10 Q And why not put it front and center if people are saying it's okay to do this?

11 A Simply for the fact that it wouldn't move the needle with either the State
12 legislatures or with the courts. And, again just to the point of didn't know who was
13 going to show up, couldn't get any real answers from legal team about who these people
14 were, what their backgrounds were, if it would just be these people, if they would bring
15 other folks with them, if it would turn into protests, or anything of this nature.

16 So it didn't seem like something that, especially if they're happening in local States
17 at one time, that we would have messaging control with.

18 Q Did Mr. Meadows ever tell you that he spoke to the President about this?

19 A Not that I recall.

20 Q Did Mr. Meadows tell you that he spoke to anybody in the White House
21 Counsel's Office about this?

22 A Not that I recall.

23 Q Did Mr. Meadows ever tell you his own views on the alternate electors
24 issue?

25 A Again, not that I recall.

1 Q If we can go to exhibit no. 26, please. This is a tweet that you sent out on
2 December the 8th, which you have mentioned a few times now. It looks like you're
3 responding to another tweet. Somebody says: Happy safe harbor day. Here's what
4 that means. And then posts a New York Times article.

5 And you say: Nothing. And December 14th isn't necessarily the end date
6 either. All about January 6th when the new Congress tallies up the electoral votes?
7 Do you remember sending this tweet?

8 A No. I'm not disputing that I sent it, but I don't remember that particular
9 tweet, but it's consistent with what I have been saying up until now.

10 Q Okay. And you reference January 6th specifically in this tweet. Just in the
11 broader context of things, is this time around discussion about the safe harbor date and
12 the electoral college meeting, is this when January 6th first came into focus as an
13 important date?

14 A Um, I need to give a different context to it. So, as far as January 6th being a
15 date, as far as actual counting or tabulation of the electoral votes, it's the first time I
16 remember it. But, again, it was all about the -- at least at this point, in kind of the early,
17 mid-December part, it was very much about court decisions had to be decided by then.

18 So say, for example, there was one example, I believe former Justice Ginsburg had
19 made reference to January 6th back during the Bush v. Gore debate. And I figured:
20 Hey, if it was Ruth Bader Ginsburg bringing up January 6th, then I certainly felt
21 comfortable referencing January 6th. But that was, again, to more court cases needed
22 to be decided by then as opposed to any activity on the 6th itself.

23 Q Okay. If you can go to exhibit No. 20 -- 30. I'm sorry.

24 And page 3, in particular.

25 So these are some of the documents that alternate electors sent in to the National

1 Archives and the President of the Senate.

2 And if you could just scroll down so Mr. Miller can see them. And I'll have you
3 stop there, which is page 4 of exhibit 30.

4 Do you recognize these documents?

5 A No.

6 Q Did you have any role in creating these documents? And I ask that because
7 a lot of them look very similar.

8 A As far as writing or producing or putting something together, I don't
9 remember seeing these. I mean, as far as was something ever forwarded to me or sent,
10 I can't speak to. But, I mean, this is -- it seems to be put together by a lawyer of some
11 nature or written in some kind of formal thing so it's definitely not something specifically I
12 write -- or wrote. Excuse me.

13 Q Do you know who did assist with documents from the campaign? And let
14 me rephrase that question.

15 Do you know who in the campaign assisted in the creation or sending out of these
16 alternate elector documents?

17 A Other than the kind of general umbrella, Rudy's legal team, not more specific
18 beyond that.

19 Q Do you know if Rudy's legal team actually put these documents together?

20 A Not with 100 percent certainty. But, I mean, they would have been the
21 only people on the -- kind of the remaining apparatus who were still working on such
22 matters.

23 Q Did you hear from anybody that that legal team was, in fact, working on
24 these documents?

25 A I don't remember hearing definitively one way or the other. Just in short, I

1 don't know how these documents ultimately came together or were sent in to
2 the -- whoever was listed up above, the several agencies or departments.

3 Q All right. And just to put a finer point on this, do you remember anybody in
4 the campaign having any role with respect to these documents?

5 A Not with any great detail. I mean, just -- I vaguely remember something
6 about the Giuliani team, but nothing beyond that, unfortunately.

7 Q Okay. Let me go to exhibit No. 27, please.

8 And this is a document you produced ending in Bates 11117. This is an email
9 from Ken Blackwell to Ed Meese, John Eastman, Jason Miller, and Alan Dershowitz, along
10 with Chief of Staff Meadows.

11 The subject line is: This is how we win.

12 And it attaches something called Congress TPs-Trump electors.

13 Do you remember getting this?

14 A No, but I received a lot of unsolicited legal advice on a daily basis. So some
15 of these names I recognize; some of these names I don't recognize. Who knows?

16 Q Who's Ken Blackwell?

17 A Former secretary of state for Ohio I believe was his role. I think he used to
18 run once or twice maybe in Ohio, but I think it was secretary of state in Ohio.

19 Q Did he have a role in the campaign that you're aware of?

20 A Not a formal role. I think he would serve as a surrogate, sometimes write
21 op-eds, things of that nature.

22 Q Just to be clear, when I say "campaign," I don't know exactly when things
23 transitioned from formal campaign to another structure. So I'm just talking about kind
24 of a continuation of the apparatus that there was.

25 What about Ed Meese? What was his role in the campaign?

1 A He didn't -- Ed's really a nice guy. I'm not sure he's still with us, but his time
2 was kind of a little bit in the rearview mirror, former Attorney General under Reagan, I
3 believe. But, yeah, he was at one point over at Heritage, but he didn't have any sort of
4 official role in the campaign.

5 Q What about John Eastman? What was his role in the campaign, and when
6 did it start, to your knowledge?

7 A Nothing in the campaign. At some point, obviously, in the post-election
8 phase, his name started to pop up. I still don't believe that I ever had a conversation or
9 any direct interaction with Eastman. In fact, until you showed me this, I didn't even
10 remember being on an email with him at some point. But he's the Claremont Institute
11 or Chapman University, or whatever, lawyer.

12 Q Did he represent the campaign after election day, to your knowledge?

13 A I can't speak to whether or not he actually represented, but I know that he
14 was giving legal advice to -- well, when I say "legal advice," he was giving advice about the
15 election and ultimately about January 6th, but I don't know if that counts as legal advice.

16 Q How do you know that he was doing those things?

17 A At a certain point, I would hear his name from various reports or people on
18 the team referencing his name, and his name was, like -- or it wasn't from him, but it was
19 essentially via him or I had heard that much of the talk about the January 6th as far as the
20 Vice President having a role that could have extended beyond their ceremonial counting,
21 that it was Eastman was the one who originated that idea, or at least that's the way it was
22 described to me.

23 Q How was that viewed within the campaign post-election?

24 A How would you define "campaign"?

25 Q Whatever existed. I guess you've got Mr. Giuliani's legal team, as well as

1 the team that you're still working with.

2 A So, yeah, the team that I was still working with was very loosely a couple of
3 lawyers who were watching over the money, so to speak. There were obviously some
4 digital people that were still kind of involved, and myself and a couple of people that
5 were with me. But I know that, obviously, at a certain point the Giuliani team fully
6 embraced what Eastman was saying.

7 Q Do you know if Mr. Clark or Mr. Morgan -- is it Morgan -- viewed about that,
8 thought about that, Mr. Eastman's advice?

9 A Yeah. They thought he was crazy.

10 Q Do you know if they ever expressed an opinion on whether they thought the
11 Vice President had the power that John Eastman said he did?

12 A I know for a fact that I heard both say that his theory was crazy, that there
13 was no validity to it in any way, shape, or form.

14 Q And was that --

15 A Other than, other than just to clarify that it was essentially part of the
16 Electoral Act of 1886 that things could be referred to the respective Chambers. If you
17 had one person from the House object, one person from the Senate when a particular
18 State was called, then, obviously, that's valid to be able to go and have those 2-hour
19 debates.

20 But, as far as the actual action from the Vice President, Clark and Morgan were
21 very clear that that was crazy.

22 Q And did they express that before January 6th?

23 A Yes.

24 Q To whom?

25 A I think anyone who would listen.

1 Q Do you know if they expressed that to the President?

2 A I don't know.

3 Q Did you express that to the President?

4 A What I would typically say when the issue was raised was that: I'm not a
5 lawyer. I certainly can't speak to the Electoral Count Act of 1886, or anything of that
6 nature, but it seems highly improbable that the Vice President has any such powers or
7 authorities. But if there is additional example -- or there are additional examples of
8 fraud and irregularities and they need to be debated and shared with people, then those
9 breakout sessions would be a good opportunity. But since the fact you didn't have
10 these majorities of both Houses, ultimately it wouldn't go anywhere.

11 Q Okay. So the proper forum -- if I'm understanding right, the proper forum
12 to resolve issues about the election is in these -- this joint session and as the House is split
13 out to debate certain votes, but not to the Vice President to unilaterally decide to count
14 or not count certain votes or even delay things? Is that fair?

15 A As far as, I'm sorry, asking what my understanding of it was?

16 Q That's right.

17 A So my understanding, yes, that the Vice President could say: Based on the
18 objection from this Member from the House and this Member from the Senate, we're
19 going to break for 2 hours to debate the specific State, and then we'll reconvene and have
20 a vote of each body.

21 At some point in there, the aspect of the Vice President being able to unilaterally
22 send things to the legislatures to go and review, that was brought up. But, obviously,
23 that didn't happen on the 6th, and I never really understood where that was coming
24 from.

25 Q And would you say your views were aligned with Mr. Clark and Mr. Morgan's

1 views?

2 A To the best I can, to the extent that, as a nonlawyer, that's -- again, just did
3 the 4 years of undergrad, so I can't speak to con law type matters.

4 Q Understood. And these are weighty constitutional issues, and so I imagine
5 that you learned at least part of what you know from Mr. Clark and Mr. Morgan. Is that
6 right?

7 A Some of it, but I mean, it's -- again, not a lawyer.

8 Q Yes.

9 A I'll defer to the lawyers. But, even with the recent communications about
10 whether or not certain things could be done or couldn't be done, you know, I do think it's
11 fascinating topic of, why would they need to change things if it couldn't have been done
12 in the first place? But I'll leave that to the lawyers.

13 Q Very well.

14 You mentioned having meetings with the President about this. Can you explain
15 when those meetings happened that you recall?

16 A Now, are you -- specific to which point? I'm sorry?

17 Q To Mr. Eastman's advice and him asking whether the Vice President could do
18 something like this.

19 A Well, to clarify, the discussion came up in -- or the topic came up in a
20 number of discussions, but I don't ever remember, say, you know: Be in the Oval Office
21 at 10:00 a.m. to discuss January 6th and what John Eastman has to say.

22 I know it came up in a number of, say, phone calls or even in other meetings in the
23 Oval Office, just broader debate about it. But it was kind of an endless running debate
24 about what could or couldn't be done. And, again, not being a lawyer, I wasn't usually
25 on the listening end of such matters.

1 Q When is the first time you remember -- and rough approximation is fine, but
2 when is the first time you remember the President bringing this issue up?

3 A At some point in December, I think that -- some point in December, but I
4 don't remember the exact case, or exact situation rather, on when that was, but I just
5 don't remember his -- keep in mind, even as late as, you know, prior to December 8th
6 when January 6th was coming up, it was much more in the context of the Hawaii 1960 or
7 RBG 2020 examples, that that was the time at which lawsuits and such had to be done.

8 Had I ever -- I remember at some point in December I heard some scuttlebutt
9 from the Giuliani team that there was this idea out there that the Vice President could act
10 unilaterally on these things. But I was getting that secondhand. It wasn't something I
11 was in the room for.

12 Q And, in any of the calls or meetings you had, do you remember people
13 saying: No, the Vice President doesn't have unilateral authority to count or not count
14 certain electoral votes?

15 A Frequently. But a lot of times people wouldn't be necessarily that direct
16 with it. They would say things more in the nature of "I don't think the Vice President
17 would agree with your interpretation of that law," for example.

18 Q And was that Mr. Morgan and Mr. Clark raising those issues, or somebody
19 else?

20 A As well as Eric Herschmann. Chief Meadows even seemed skeptical about
21 the reality of something like that happening.

22 Q And what was the President's response to comments like those?

23 A There were continually people that would fuel the fire and say that he did
24 have the right or that he could go and do something, and so then it would become him
25 hearing these viewpoints from different legal perspectives about what could and could

1 not be done.

2 Q Do you remember Pat Cipollone or Pat Philbin ever weighing in on this?

3 Mr. Muyskens. Can we just -- [REDACTED], I don't want to interrupt, but I get a little
4 nervous. I'm assuming you don't want to ask him about anything that others could
5 consider privileged. Correct?

6 [REDACTED]. Well, I think if Mr. Miller was in the room for it and heard about it,
7 you know, he's a third party who's not represented in the kind of scope of representation
8 that Mr. Philbin and Mr. Cipollone would be advising on. I'm happy to chat with you
9 about that, if you'd like.

1

2 [3:20 p.m.]

3 Mr. Muyskens. No. No. Just your clarification there was absolutely perfect.

4 I just -- I'm sort of familiar with the attorney-client privilege. But, yeah, just if you could

5 keep it under those parameters, it would be fantastic.

6 [REDACTED]. Okay, fantastic.

7 BY [REDACTED]:

8 Q So, Mr. Miller, did you ever hear Mr. Cipollone or Mr. Philbin push back on
9 this idea that the Vice President had unilateral authority to count or not count certain
10 electoral college votes?

11 A I don't recall being in the room with either of those two White House
12 counsel lawyers when it was being discussed. So that's not something I can speak to
13 with firsthand knowledge.

14 Q Okay. Did anybody ever tell you about that, though?

15 A Secondhand. I mean, the way it was communicated to me was that Pat
16 Cipollone thought the idea was nutty and had at one point confronted Eastman basically
17 with the same sentiment.

18 Q And do you know if that was communicated to the President?

19 A I do not know. My understanding is that was in the -- outside of the Oval
20 Office. They'd left and so it was going to be out of the Oval or something like that.

21 Q Do you know roughly when that happened?

22 A I think it was pretty much in the run-up to January 6th, pretty close to. I
23 don't know if it was maybe a few days before, when exactly it was. But I think it was
24 relatively adjacent.

25 Q And you said that -- I don't want to put words in your mouth, but I believe

1 you said something to the effect of you and a few other people, including Eric
2 Herschmann, indicating that the Vice President might not view his role the same way that
3 John Eastman was, but that people were still fueling the fire.

4 Who were the people fueling the fire?

5 A Oh, you had all sorts of people that were out saying it. I mean, you had all
6 sorts of just kind of various people on the periphery that were chiming in, you know,
7 whether it be directly from the kind of the Giuliani legal camp, or at various points you'd
8 get these other lawyers who would pop up out of nowhere and they'd put something on
9 Twitter, they'd say something on one of the cable shows that raises questions or raises
10 doubts.

11 There seemed to be a whole kind of host of new people that I wasn't familiar with
12 that were communicating into the White House in this post-election phase.

13 Q And to your knowledge, did anybody ever say specifically, you know,
14 "Mr. President, the Vice President doesn't have that type of authority in the joint
15 session"?

16 A I know that -- I was around multiple times when people would say that there
17 was zero percent chance that the Vice President was going to do anything or that there
18 was no chance that the Vice President believed or had the same opinion on that legal
19 matter.

20 But I remember that more specifically than someone saying, "The Vice President
21 does not have the right to do that." It would be phrased a little differently.

22 Q Understood.

23 BY [REDACTED]:

24 Q Before we get off of this, who said that directly, that the Vice
25 President -- zero percent chance that the Vice President will do this or doesn't agree with

1 that strategy?

2 A I mean, I said that it was highly unlikely. I know Herschmann said zero
3 chance. Justin Clark said there's no chance.

4 So, I mean, there were several people who said that it was -- there was no
5 possibility or no likelihood of that.

6 Q And, Mr. Miller, were those conversations in which the zero percent
7 likelihood conversations were -- were with the President, or meetings or phone calls in
8 which the President was personally involved?

9 A I mean, I know I said it to the President at least once. But, again, I'd usually
10 preface it with, I'm not a lawyer, let alone not a constitutional lawyer. I don't know
11 what legal advice he's getting. But I can't imagine any scenario in which this would
12 come. And I was in the room at least once or twice when Eric Herschmann would make
13 that clear.

14 Q Okay.

15 A And I'm pretty sure that at least once Justin Clark made that clear as well.

16 Q And during any of those conversations what was the President's reaction?

17 A I think it was typically to say, "But they're making a good point. It's worth
18 investigating. It's worth looking at." Something along those lines.

19 Q Did he ever agree with you that was unlikely or that it was a zero percent
20 chance, agree with you or anyone else who made that point?

21 A I don't know if I'd describe it necessarily as agreeing. I think that he was
22 pessimistic, but he always wanted the Vice President to do the right thing, was usually
23 what he would say.

24 Q Well, we're going to get to some tweets that he put out on January 5th and
25 January 6th where he took a very different position than the one you advocated, and

1 Herschmann and others.

2 Do you remember him ever pushing back in any of these conversations and say,
3 "No, he absolutely has the right to do, he should do it, he better do it," anything like that?

4 A To be -- I don't remember him not doing that, so to speak. But, I mean,
5 certainly he was not agreeing with, say, what Herschmann or Clark or other people were
6 saying.

7 It just would be, "Well, hopefully he does the right thing or he should do the right
8 thing." Or a lot of times he'd say, "Many people would disagree with you, many people
9 have a different perspective," maybe take more of a response of that nature.

10 Q Maybe it's better, rather than me characterize what he said, or you
11 characterize what he said, just tell us what he said.

12 What do you remember him saying about this topic during any of these
13 conversations, "he" being the President?

14 A Yeah. I mean, keep in mind this is a relatively shorter period of time, in the
15 last couple of weeks.

16 And keep in mind, in that week essentially between Christmas and New Year's, so
17 to speak, I went to Palm Beach Shores with the family and was not around the President.
18 So some of those conversations and things that were happening.

19 But definitely in the -- when I got back into town, this is approximately like the 5th
20 and the 6th, the President was -- all the attention was on what Mike would do or what
21 Mike wouldn't do.

22 Q And what did you hear him say about that topic?

23 A Specific to which topic? I'm sorry.

24 Q What Mike might do or not do?

25 A As far as would he -- there'd be -- it would move around a little bit whether

1 he might -- - Mike, meaning the Vice President -- would he send it to the legislatures,
2 which I was still never entirely clear how that would happen, just because I don't
3 remember that being necessarily the part of the Electoral Act. I thought it went to like
4 some split of like the Supreme Court and House and Senate and all these things to decide
5 a contested election, so to speak.

6 But definitely to go and -- definitely go and send it to the Chambers to look at.
7 Or sometimes he might say that Mike has the ability to just decide that the election was
8 invalid and to -- in a particular State, to many instances of fraud and irregularities. And
9 that by that nature, go and send it back to the legislatures to re-review.

10 Q So you heard the President say, despite Mr. Cipollone, Mr. Herschmann, you,
11 Mr. Clark consistently telling him that there's a zero percent chance of this, that
12 nonetheless he believed that the Vice President could send this back to the States or
13 could reject slates of electors?

14 A So I can't speak to anything that Cipollone said firsthand.

15 Q I understand.

16 A I just was never there for that. But like I said, I know that Herschmann and
17 Clark made such comments.

18 And I would usually say -- again, not being a lawyer -- that I didn't see any
19 scenario, just kind of based on the tea leaves or what I was hearing, that there was zero
20 chance that the Vice President would go and do anything other than saying, "Go to your
21 respective Chambers for 2 hours and have a debate."

22 Q And, sir, I'm not trying to be difficult, I'm just trying -- when you said that to
23 him, there's a zero percent chance that that will work or that that will happen, what did
24 he say specifically, the President of the United States?

25 A Yeah. No, I was trying to give you as clear of an answer as possible.

1 Usually when I --

2 Q Well, maybe I'm missing something, because it's not clear to me. Just tell
3 me what he said.

4 A Yeah. No, that's what I'm trying to answer here.

5 So when he would ask me the question what I thought Mike, meaning the Vice
6 President, would do, "Do you think he'll do the right thing and send these back for further
7 review?" -- and, again, I'm paraphrasing roughly, I don't remember the precise details of
8 the conversation.

9 And then I would usually say I just don't see any scenario at all in which the Vice
10 President's going to do that. So I think, yes, we have the 2 hours that we're allotted, but
11 anything beyond that, I just don't see it happening.

12 Q And what was his reaction to you saying, "I don't see any scenario where
13 that will happen"?

14 A Typically he would say, well, many experts are saying that he does have this
15 power, that he can do things, and let's hope he does the right thing and sends it back for
16 more review.

17 Q And was that his consistent position through all of these conversations?

18 A Roughly. Again, I'm doing my best to remember the exact details, but
19 that's, to the best extent that I can recall, yes.

20 Q Who was the source of the information you gave us about what Mr.
21 Cipollone said? Who told you about Cipollone's conversation with the President and
22 confrontation with Mr. Eastman?

23 A So that came from Boris Epshteyn, but I believe he had received it from
24 someone else.

25 Q Do you know who?

1 A I do not, but I do not believe that he was there for that encounter.

2 Q Okay.

3 Ms. Cheney, I see -- I don't know if you have any questions on this. Your name
4 just popped up on our screen.

5 [REDACTED]. It sounds like not.

6 [REDACTED]. Okay.

7 [REDACTED]. [REDACTED], do you have any questions?

8 BY [REDACTED]:

9 Q Just real quick, Mr. Miller.

10 Earlier you said that you might have spoken to someone from the RNC about the
11 alternate electors, and this would have been in the December timeframe. Is that right?

12 A I thought so. I didn't remember any specifics, but -- and again, I'm not sure
13 if I was fielding a call or an inquiry from the RNC or if I called them. But for some reason
14 I had that on my brain.

15 Q Do you remember who you might have talked to?

16 A I don't, unfortunately. Sorry.

17 Q Do you remember talking to any local GOP, like, State GOP offices where the
18 different alternate electors were meeting?

19 A I do not recall speaking with any of the local folks.

20 Q Did you ever hear that anyone from the campaign was doing that?

21 A I do not. In fact, I vaguely remember Justin Clark saying he didn't want
22 anything to do with it and Matt Morgan essentially echoing a similar sentiment.

23 [REDACTED]. Okay. Thank you.

24 [REDACTED]. If we can go to exhibit 29.

25 Mr. Muyskens. Is this an okay place for another 5-minute break or --

1 [REDACTED]. Yes. Whenever is good for you is fine with me.

2 Mr. Muyskens. Okay. I mean, I'm assuming we're not anywhere near done.

3 So I thought we could just take a quick refresh, coffee breaks and whatnot?

4 [REDACTED]. Yes. Absolutely. Do you want to say 10 minutes?

5 Mr. Muyskens. At most 10, yes, please.

6 [REDACTED]. Okay. All right. We'll be back by 3:40, then, ready whenever you
7 are.

8 Mr. Muyskens. Okey-doke. Thank you. Appreciate it.

9 [Recess.]

10 [REDACTED]. It's 3:42, and we're resuming the deposition of Mr. Jason Miller.
11 So if we can pull up exhibit 29, please.

12 Mr. Muyskens. Do you want us to wait for [REDACTED]?

13 [REDACTED]. No. That's okay. We can continue.

14 Mr. Muyskens. You're sure.

15 [REDACTED]. Okay. No worries.

16 BY [REDACTED]:

17 Q All right. This is an email. You did not provide this email, so there's no
18 Bates number. This is an email that Nick Trainer sent to you, Kenneth Chesebro, Boris
19 Epshteyn, Jason Miller -- you -- and Justin Clark and Matthew Morgan. It says, "Here are
20 the six with contact."

21 And what was attached to this is a spreadsheet with contact information for
22 electors or these alternate electors in six different States.

23 Do you remember receiving an email like this on December the 10th, 2020?

24 A Do not remember, but I'm not disputing it, seeing this email trail. But
25 I -- nothing that sparks in me vivid recollection.

1 Q Okay. You forwarded this email to Mark Meadows, it looks like, shortly
2 after, maybe just 2 minutes after you received it.

3 Why would you need to forward contact information for alternate electors to the
4 chief of staff?

5 A So based on the previous email exchange that you had showed, that he was
6 asking me about the status of where that was. So, assuming that was before this email,
7 then I was probably following up on his request.

8 Q So did he ask you for contact information for the electors?

9 A I don't remember him asking specifically for contact information. But
10 based on that previous exchange where he was asking about the status, roughly asking
11 about the status of such, looks like I was following up on that.

12 Q And do you remember talking to him about electors or contact information
13 for the electors?

14 A Not specifically.

15 Q Do you remember generally?

16 A Not really.

17 Q Is there anything you remember about communications with Mr. Meadows
18 on this topic?

19 A Other than the example that you've shown me [inaudible].

20 Q I'm sorry. You trailed out just at the end there, Mr. Miller?

21 A I'm sorry, other than the examples that you've shown me here, that's the
22 most vivid recollection that I have of anything of the nature.

23 Q Do you know who Nick Trainer is?

24 A Yeah. He was the -- I believe his title was the battleground States
25 coordinator for the campaign. So kind of effectively a political director type.

1 Q Do you remember if he was coordinating the alternate elector meetings or
2 documents, anything to do with alternate electors for the campaign?

3 A Beyond the email that I'm seeing here, I don't remember anything else with
4 more detail. But I can just really speak to what I'm seeing here.

5 Q Based on our conversations so far, I think I know the answer to this, but I
6 have to ask you anyway.

7 So are you aware that electors met -- alternate electors met and voted for
8 President Trump and Vice President Pence in States that that ticket had lost?

9 A I know that there were a number of States where electors showed up, and
10 my understanding is that was part of the legal effort to preserve the -- I'm not sure again
11 if optionality is the right word, but in case some of these legal cases or challenges went in
12 the right direction then the campaign would -- or the campaign or the President would
13 then be essentially eligible or have that, I guess, that backup in case something was
14 decided differently.

15 Q Was it your understanding that the effectiveness of these certificates and
16 these votes were dependent on a court saying, "Okay, yes, those are the proper
17 electors"?

18 A A court or a legislature. There are those dual tracks of where -- that it was
19 purely, again, some way to defend or preserve that possibility in case for some reason the
20 election results were overturned by, like I said, either by the legal system or by the
21 legislatures.

22 Q But either one of those is necessary to that determination, right, it has to be
23 a court or the legislature? That was your understanding?

24 A Yeah, 100 percent. That this is just -- this is purely a backup means, again,
25 to preserve that -- and I'm not sure what the proper legal term is -- but to preserve that

1 place in case a decision or a ruling came down from one of those bodies.

2 Q Do you know why the electors sent in these certificates without a judicial or
3 legislative determination that they were the correct ones?

4 A I do not. You'd have to talk to the legal team on that.

5 Q Is it your understanding that was a decision made by the legal team,
6 meaning Mr. Giuliani or people on his team?

7 A No. I was just -- that was more speculation. It just seems like that would
8 be a legal -- piece of legal advice. But again, I'm not an expert in con law or anything.

9 Q Got it.

10 Now, of course, there was no judicial decision or State legislature that went back
11 and said the Trump electors from those States are, in fact, the proper ones, right?

12 A Correct.

13 Q But at some point, it seems like the advice changed from, "Here are some
14 electors in case a court or a legislature says they're the proper ones," to, "Mr. Vice
15 President, these certificates exist and so you can choose on your own." There's a shift in
16 that strategy? Is that fair?

17 A I don't know if I could necessarily say there's a shift in that strategy, that
18 somewhat implies that there was a strategy in the first place. But as far as the
19 frequency in which you'd hear something like that voiced obviously increased as January
20 6th approached.

21 But I don't know if there was ever a formal shift in strategy or maybe just
22 somebody with a louder voice was drawing more attention to it.

23 But up until, like I said, even up until mid-December, it was very much in the
24 context of this is something that legally was required to do if you wanted to reserve that
25 right, so to speak, in case there were a legal or legislative decision that changed the

1 outcome of a particular State.

2 Q Go to exhibit 32, please.

3 Exhibit 32 is a tweet that the former President issued on January the 5th. It says,
4 "The Vice President has the power to reject fraudulently chosen electors?"

5 Did you have any role in this tweet?

6 A No.

7 Q Do you know who did?

8 A No.

9 Q And do you know, there's no time stamp on here, but based on your
10 memory, do you remember if this tweet came out after the conversations that you just
11 talked about with [REDACTED] and myself where individuals indicated that there was zero
12 percent chance the Vice President was going to do this?

13 A I remember those conversations about the zero percent chance. There
14 were definitely some in later part of December. So I know there were conversations on
15 that before this point.

16 Q And on January the 4th there was an Oval Office meeting between the Vice
17 President, President Trump, Marc Short, and others.

18 Did you ever talk to the President about that meeting?

19 A Which meeting was this on the 4th?

20 Q This was on January the 4th. It was an Oval Office meeting with the Vice
21 President, President Trump, Marc Short, the chief of staff to the Vice President, as well as
22 others.

23 A This was not the widely discussed lunch between the President and the Vice
24 President, correct?

25 Q I don't believe it was a lunch. I believe it was a meeting where the

1 President was -- I think Mr. Eastman may have been there -- and where they were talking
2 about the Vice President's authority on January the 6th.

3 A Oh, okay. I think that was maybe the point where I just heard the Eastman
4 conversation. But other than the context of the Eastman conversation, I don't
5 remember exactly. I was traveling back from Florida to Washington on that day.

6 Q And you mentioned a lunch between -- I believe that was the lunch between
7 the President and the Vice President. Did you ever hear about that?

8 A Yes.

9 Q Tell us about that.

10 A There was a news report that came out from The New York Times the
11 following day on -- or on January 5th. I don't remember exactly what point during the
12 day. But it was recapping the conversation that the President and the Vice President
13 had had during their lunch, which I believe was on the 5th, and essentially that the -- just
14 that the New York Times story was that the Vice President communicated there was no
15 chance that he was going to take any additional action other than the ceremonial role of
16 counting the electoral votes as they came in State by State.

17 Q So that was reported by The New York Times.

18 Did you ever do anything to find out whether that reporting was accurate,
19 whether what was said about that lunch actually happened at that lunch?

20 A I spoke with the President about it.

21 Q What did he tell you?

22 A I spoke with the President, and I believe I'd also reached out to some
23 members, maybe even Chief of Staff Meadows, maybe a couple other people from the
24 team, just asked what was actually said, what happened.

25 Then I worked with a statement -- I worked with the President on a statement

1 essentially saying that the report was fake news.

2 And I believe that -- I don't remember if we put that out -- I think we put that out
3 via press release, I believe, on the 5th, to the best of my memory.

4 Q We're going to get to that in just a moment. I do have that to show you.
5 And I know you mentioned that you worked on a press release to say that it was
6 essentially fake news.

7 That's kind of a political term. But, you know, as we're sitting here today, did
8 you find out whether or not the -- well, I'll ask it like this.

9 What did you understand that the President and Vice President said to each other
10 in that lunch meeting?

11 A I think they had -- I think they each walked away with a different impression
12 of what conversation was had.

13 Q All right. What did you learn that the President thought happened?

14 A That the Vice President was still considering the more aggressive action that
15 most of us thought there was no chance he would.

16 Q And were there specific statements that you learned about that the
17 President said in that meeting?

18 A To the extent that I remember, obviously, we put out the statement in the
19 press release. I think there may have been some language in there.

20 But I think a couple of the -- I think a couple of -- I think a couple of the
21 post-election books maybe reflected on various perspectives about what was said.

22 But at this point, you know, what was secondhand or what came from a book or a
23 news report or things like that are like kind of jumbled together.

24 Q Fair enough.

25 So you said the President came out with one impression -- that the Vice President

1 was still considering this. What did the Vice President come out of that meeting with as
2 far as his understanding?

3 A I think it was pretty clear from the Vice President's perspective that he'd
4 communicated there was no chance he was going to do anything.

5 Q And who told you that, Mr. Miller?

6 A Well, I mean, there's the -- obviously the New York Times report, which,
7 obviously, had been spoon fed to the reporter. So that -- it was obviously something
8 that came from the Vice President's camp.

9 So it was pretty clear that that was delivered as a way to make people know
10 publicly that the Vice President was not going to do anything.

11 But then, in a brief conversation, very brief conversation I had with Marc Short the
12 night of the 5th, he intimated the same general sentiment.

13 Q So you spoke to Marc Short, chief of staff to the President, after this lunch
14 apparently, the same day, though?

15 A After our statement went out, yes.

16 Q Okay. Now, I'll pull up exhibit 33.

17 Can you tell us about the tone of the conversation that you had with Marc Short
18 following the statement?

19 A Yeah. I don't think he was particularly pleased.

20 Q Did you know that the Vice President had a different view of this lunch
21 before you put out the statement on January 5th?

22 A From reading the New York Times story, I think it was pretty clear that he
23 had a different perspective.

24 Q But the statement is the statement that the President wanted you to put
25 out. Is that fair?

1 A I mean, effectively, yes.

2 Q Okay. So on exhibit 33, if you could scroll up to the top.

3 This is a January 5th, 2020, statement from President Donald J. Trump. It talks
4 about the New York Times report.

5 Is this the statement that we've been referring to?

6 A Yes.

7 Q And how did this come to be? Did he ask you, the President, ask you to put
8 out a statement about this lunch?

9 A I remember I called the President to make sure that he had seen the story.
10 And I don't remember what stretch of the day I caught him in. Obviously, that was the
11 night of the Georgia elections, the Georgia Senate elections.

12 So at some point I got the President on the phone and talked through and said
13 that -- asked him if it was an accurate story or if he wanted to say something different.
14 And he had a much different perspective on how their conversation had played out.

15 Q In the end of the first paragraph there it says, "The Vice President and I are
16 in total agreement that the Vice President has the power to act."

17 Did you express any concern that that was not what you were hearing to the
18 President as he asked you to put the statement out?

19 A I think the way that came up was obviously the story had been pushed by
20 the Vice President's camp, but didn't know necessarily who exactly did it or if the Vice
21 President was -- to what extent he was in agreement. But that was the President's
22 recollection, was that they were in agreement that the Vice President did have the power
23 to act.

24 Q Understood that that was his perspective. But did you say to him that
25 that's not what the Vice President's camp is saying?

1 A Oh, I had not communicated directly with the Vice President's camp at that
2 point, and so I did not say that.

3 Q You later found out --

4 A We discussed the news story, obviously, we discussed the first cut of the
5 news story that went up with no statement from the President.

6 Q So this is the President's, at least as communicated to you, this is the
7 President's belief of what happened in that meeting?

8 A Correct.

9 Q When Marc Short contacted you, he was upset. Is that what you said?

10 A He clearly was not pleased.

11 Q Tell us what he said.

12 A What's the process for putting out a statement for a meeting where only
13 two people are in the room?

14 Q Did he ask you to retract the statement?

15 A No. He just -- I think it went right to, what's the process for putting out a
16 statement for a meeting when only two people are in a room.

17 Q And he clearly disagreed with the substance, though, right, because he said
18 the Vice President doesn't agree with this?

19 A I'm trying to think what exactly he said. I mean, the tone was very clearly
20 that -- he used some language to strongly infer that the Vice President disagreed with
21 that take, but I don't remember what that language was.

22 Q When you spoke to the President about this story and before you put the
23 statement out, what was the President's mood? Was he upset?

24 A I don't recall the -- I don't recall a particular mood. And, again, it was by
25 phone so I was not with him in person.

1 Q Fair enough.

2 From what you could tell, did he seem frustrated?

3 A I just -- I don't remember with enough clarity to describe a mood at that
4 moment.

5 Q Did he comment to you on his thoughts about the President's power -- or,
6 excuse me, the Vice President's power at the January 6th joint session?

7 A Well, I mean, obviously, we put that statement out. So I think that's
8 probably the best reflection of what the President's mindset was at that time.

9 Q Did he say anything about being disappointed with the Vice President or
10 what he thought the Vice President might do?

11 A I think it was more of usually what he would say is, "I hope Mike does the
12 right thing," or, "I Hope Mike says they need to look at all the broadened irregularity and
13 unconstitutional way that this election was conducted." So it would usually be along
14 those lines.

15 [REDACTED]. Anything else on this statement?

16 [REDACTED]: Yeah.

17 BY [REDACTED]:

18 Q Let's go back.

19 So the New York Times article comes out during the day on January 5th. Is that
20 right, Mr. Miller?

21 A I don't remember the time during the day that it came out, but it was some
22 point after the lunch. But I don't remember how late, though, or early or late it came
23 out.

24 Q Okay. So it's posted on the New York Times website sometime in the
25 afternoon after the President and the Vice President had had this lunch in which they had

1 a discussion about what would occur the next day. Is that right?

2 A Later that day, yes. I don't remember if it was afternoon or evening or
3 exactly when it was. But it was later that day, yes.

4 Q Okay. So you read the story and then called the President. Is that right?

5 A Correct.

6 Q All right. Tell me what he said?

7 A I sensed that that wasn't how -- and, again, I'm paraphrasing, I don't,
8 obviously, have the transcript of the conversation -- but that that wasn't how the lunch
9 went. And he seemed much more bullish about the prospects that the Vice President
10 might take some additional action on January 6th.

11 Q Did he dictate this statement?

12 A We -- he dictated -- he dictated most of it. I mean, typically on
13 these -- typically on these, I might have a couple of wording suggestions or maybe I'd, you
14 know, have a sentence or a rough framework or something of that. But I know with
15 specificity on this one that it was me and him on the phone talking through it. And
16 ultimately the way this came out was the way that he wanted to.

17 Q So the essential statement that results from the phone call is his intentional
18 response to the New York Times article, his words, his perspective on the New York Times
19 article?

20 A I think it's -- it's fair to say that this was his perspective, as we -- I was
21 speaking with him specifically about the New York Times story, because this was starting
22 to blow up and dominate the news in a pretty big way heading into the next day. So this
23 very clearly and accurately reflected his sentiment at that time.

24 Q Okay. So it sounds to me like it was clear to you that there was a
25 disagreement between the Vice President and the President about what had occurred at

1 this meeting. Is that right?

2 It was obvious that The New York Times had parroted what the Vice President's
3 staff had fed them and the President had a different view. So were you aware of a
4 disagreement about what had occurred at the meeting?

5 A I had not heard anything from the Vice President's camp directly. But it
6 was pretty clear from reading the New York Times story that they had different
7 takeaways about that lunch.

8 Q Okay. So given that, Mr. Miller, but you -- whether you and the President
9 agreed in this statement that, "The Vice President and I are in total agreement that the
10 Vice President has the power to act," help me understand why that is accurate given the
11 clear difference of opinion coming out of the meeting about what had occurred.

12 A Well, again, I had not spoken directly with the Vice President's camp at this
13 point, but this was the -- this was the President's very clear takeaway and his opinion on
14 what had happened in that lunch.

15 Q Why not call Marc Short or anyone in the Vice President's office before
16 issuing this statement to try to resolve that discrepancy?

17 A I should have.

18 Q Well, Mr. Short was quite angry that you hadn't, right?

19 A Correct.

20 Q He wanted you to do as you would normally do, reach out to the Vice
21 President before issuing a statement that purports to put his view on paper, right?

22 A Yes.

23 Q Upon reflection, Mr. Miller, why did you not? I appreciate your candor that
24 you say you should have. Why didn't you call Marc Short or anybody at the Vice
25 President's office before releasing this statement late on January 5th?

1 A I don't think that ultimately -- don't know if it ultimately would have changed
2 anything as the President was very adamant that this is where they both were. But as I
3 said, I should have called Marc.

4 Q Did the President tell you not to call Marc?

5 A I do not remember him giving me that specific direction. I don't remember
6 if he did or didn't. But either way, I should have called Marc.

7 Q So the statement that we're looking at here, exhibit whatever, comes out, I
8 think I can say it's about 11 p.m. on the night of January 5th, just the very night before the
9 proceeding at which the Vice President -- where this is all going to play out.

10 Was that intentional? Was there a desire to get a statement out before the
11 convening of the joint session?

12 A I think it was -- I think you might be planning or looking a little too far down
13 the road. I think it was a little bit more immediate to here's this story that's out there
14 that the President very clearly disagreed with and had a different takeaway from the
15 lunch that they had and he wanted it corrected.

16 Q I guess my question is, why correct it in a matter of hours as opposed to the
17 next day, the next news cycle? What was the urgency to issue a statement at 11 o'clock
18 at night?

19 A If you've worked with the President on communications matters, he usually
20 isn't one for waiting around.

21 Q Well, the next day, January 6th, which I know [REDACTED] is going to get into,
22 that dispute was resolved, was it not, the dispute between what the Vice President was
23 going to do or not do?

24 A I'm sorry. I'm not entirely understanding the question.

25 Q I guess I'm leaping ahead in the outline, which I don't mean to do. My

1 question, though, is this dispute about whether or not the Vice President conveyed to the
2 President that he was or wasn't going to do something, he did something on January 6th,
3 right?

4 A Meaning the Vice President?

5 Q Yes.

6 A Yes.

7 Q He did exactly what Marc Short told you he told the President he was going
8 to go do, and what The New York Times said he was going to do, which is count the votes,
9 not send it back to the legislature or unilaterally accept alternate slates of electors. Is
10 that right?

11 A Yes. The Vice President put out a statement, I believe while the President
12 was still speaking at the event on the Ellipse. And then obviously when he went up to
13 actually count the electoral votes, he did just that.

14 Q And I guess my question is, to tie it back to the New York Times article, what
15 the Vice President did and what he said in that statement was consistent with what the
16 New York Times story indicated he had told the President he was going to do. Isn't that
17 right?

18 A Yes. But in the conversation I was having with the President of the United
19 States, he was adamant that the conversation played out in a different manner.

20 Q Okay. Thank you.

21 BY [REDACTED]:

22 Q All right. I'm going to turn now to a little bit different topic and just show
23 you a couple of documents.

24 First is exhibit 60, please.

25 This is not a document that you provided. It's called the "Strategic

1 Communications Plan" by the "Giuliani Presidential Legal Defense Team." And it says in
2 red there, "We have 10 days to execute this plan and certify President Trump."

3 Have you ever seen this document before?

4 A Does it say who wrote it?

5 Q It just says the "Giuliani Presidential Legal Defense Team."

6 A I don't recall seeing this. Is it -- how long is this document or what all is in
7 there?

8 Q It's a long document. It talks about various issues related to fraud in the
9 election. I think Katherine Friess, Katherine Friess may have been the author on it.

10 A Okay.

11 Q You don't recall seeing this as you sit here today, at least --

12 A I do not recall seeing it. Again, I don't know if at some point this was
13 maybe forwarded to me, but this does not look like a document that I ever created or
14 worked on.

15 I think I only -- I think I only met -- I think her last name is pronounced "Freeze," I
16 believe. I think I met her one time, but not someone who I had regular interactions
17 with.

18 Q All right. I want to go to page 7, please. On page 7 of this document it
19 talks about rallies and protests and organizing events in various States where the targets
20 would be support for President Trump, protests at local officials' homes and offices,
21 protests at governor's mansions, protests at lieutenant governor's homes, protests at
22 secretary of states' home, protests at weak Members' homes, protests in D.C., and a rally
23 for key House and Senate Members.

24 Do you remember these ever being laid out as goals of the campaign in the
25 last -- or legal team -- in the last 10 days before January the 6th?

1 A I do not. And in specific regard to somebody's home or something of that
2 nature, that -- if that was something that I had read or understood, I would have strongly
3 pushed back. I'm never in favor of any things like that happening at somebody's home.
4 That's out of bounds.

5 Q Can we go to exhibit 69, please.

6 This is a document that you did provide to us and it ends in Bates 311. It's called
7 "Five States and the Illegal Votes: Why the November 3rd, 2020, General Election was
8 Not Won by Biden." And this is dated December the 8th with you as the contact. I
9 believe that Cleta Mitchell may be the author, at least according to metadata for this
10 document?

11 Have you ever seen this document?

12 A Yeah. Cleta Mitchell is just terrible. I mean, she put my name on this
13 thing, sent it out. Never saw it before she sent it out.

14 This is not something that I created. I found out that it had been sent out when
15 a person on Capitol Hill said, "Hey, did you send this thing out?" And I said, "What are
16 you talking about?" And he sent it to me and he said that Cleta Mitchell had sent it to
17 him.

18 So I called Cleta and said, "What the hell?" And she said, "Yeah, you guys
19 weren't moving fast enough, so I just put your name on it and sent it out."

20 So not a document that I created.

21 Q Who's the person on Capitol Hill that reached out to you about this?

22 A Justin Ouimette, who was the -- I think his title was either staff director or
23 chief of staff for the House Freedom Caucus.

24 Q Did he work for a particular Member as well?

25 A I don't remember for the Freedom Caucus if that -- I think their salaries

1 might be counted toward a particular Member's budget. I'm not sure about the exact
2 way the funding allocation works for Freedom Caucus. But he's a government employee
3 on Capitol Hill.

4 Q This document contains various allegations about purported issues in States
5 with the election. If we can go to page 5, for example. This is Arizona.

6 It sounds like you had nothing do with drafting this document, right, Mr. Miller?

7 A Yeah. You'd need to ask Cleta Mitchell about this.

8 Q Okay.

9 A This is totally ridiculous. I was pretty pissed off about it.

10 Q And were you pissed off because you didn't think the information in it was
11 true, to your knowledge?

12 A All of the above. I was pissed off that -- I asked my research team to glance
13 and tell me if anything from this was legitimate or if there were any salient issues that
14 were worth debating.

15 Keep in mind that all through this stretch we kept hearing about these allegations
16 of fraud and irregularities and was hoping that maybe there was something that was
17 going to shed light on these matters.

18 But then also the fact someone would go and send something like this out to
19 government officials by putting my name on it really pissed me off.

20 Q Understood. And you said you had your research team or what was left of
21 the research team look at the allegations in this document. Were they able to
22 substantiate anything?

23 A I think they came back pretty quickly and just said this is just a bunch of
24 unsubstantiated nonsense or claims that have been out there previous. But there is
25 nothing that's verified here that says that we didn't know before or anything that -- or

1 maybe we'd heard about before but didn't have enough documentation. This didn't
2 shed any light in that context.

3 Q And that's consistent with the research that they had been doing throughout
4 the post-election period. Is that right?

5 A Correct.

6 Q I want to move to the idea of objections on January 6th in particular.

7 What was your role in contacting Members of Congress to seek support for
8 objections during the joint session of Congress?

9 A From what I recall with regard to January 6th, that I gave some phone
10 numbers to the mayor and the mayor's legal team. I do not recall any direct
11 communications with Members with trying to get them on board.

12 I remember asking the mayor's legal team kind of what the run of show is going to
13 be or how things were going to play out, because I remember there was dispute about
14 even how many States were going to be there. There was just concern that it would
15 look foolish if they had these breakout sessions and no information that was provided.

16 But from the best of my memory, it was the mayor's legal team that would have
17 the direct interface with these Members.

18 Q On that point really quick, I mean you just pointed out that your research
19 team hadn't come up with any evidence to validate the claims that were made in that
20 Cleta Mitchell document or throughout the post-election period.

21 So what did you expect to happen at the joint session when they broke out? If
22 there's no evidence of this stuff, what's the point? Why do it?

23 A So a couple of things, just for clarity.

24 There were examples of fraud and irregularity that were discovered, but none that
25 I saw that would have enough weight or enough votes behind them to overturn the

1 election.

2 But there was constant talk, even up to the night of the 5th, or I don't know if -- or
3 on the 5th or 4th or over that break, I don't remember if even on the 6th. Because it
4 was starting to play out that there was more information that was coming forward, that
5 additional lawmakers themselves had heard different things, will be bringing certain
6 points of evidence.

7 I think the -- but probably more so kind of in the week in the run-up, just from
8 what I would hear, but -- because I know that when I started asking the questions on the
9 5th, or maybe it was even the morning of the 6th, about, well, who's actually talking to
10 these people or figuring it out, and it seemed to, again, be a swirl where nobody seemed
11 to be in charge.

12 Q Going backwards from the 6th, I understand that there was a meeting on
13 December the 21st in the Oval Office with, I believe, 15 Members of Congress where they
14 talked about January 6th and the options for January 6th.

15 Are you aware of that meeting?

16 A I don't recall hearing of a meeting with that many Members of Congress. I
17 don't remember reading or hearing about that.

18 Q Chief of Staff Meadows on the 21st, he tweeted out, said there's a meeting
19 with Members of Congress right now. And I believe he said something to the effect of
20 planning for January 6th. And I'm summarizing here based on what I remember.

21 But do you remember any meetings with Members at the White House where the
22 President and others talked about January 6th?

23 A I'm trying to think about the meetings that I was at, at the White House.
24 Certainly I was at meetings with Members at the White House, but earlier, reelection,
25 before it got into the post-election phase. I don't remember being in the White House

1 with a Member of Congress talking about this topic post-election. That's not something
2 I remember.

3 Q All right.

4 Pull up exhibit 76, please.

5 And again, these are the text messages. We've looked at some of them before,
6 but a specific one. It's on the top of page 3. Yes.

7 This is December 30th at 22:47 from Jason Miller to Mark Meadows. And if you
8 go to the extracted text. Yep. Just take a minute to read that, if you can see it.

9 [Pause.]

10 A Okay.

11 Q It starts out by saying, "I asked Ali Pardo from our press shop to get in touch
12 with Rep. Mo Brooks' office since he seems to be the ringleader on the January 6th deal."

13 First, who's Ali Pardo?

14 A She was a deputy communications person in the press office.

15 Q Did you in fact ask her to get in touch with Rep. Mo Brooks and his office?

16 A I don't remember this specific order. But Ali was still around and helping,
17 so very well could have been the case.

18 Q All right. And we'll talk about what you remember from that. But you
19 also say, "He seems to be the ringleader of the January 6th deal." What did you mean
20 by that?

21 A I want to say there was in maybe middle/late December, Mo Brooks was one
22 of the first, if not the first Member of Congress that was saying that they were going to
23 challenge some of the individual States when they came up and force the breakout
24 sessions on January 6th.

25 Q And why -- why did you need Ali -- is Ali a woman?

1 A Yes.

2 Q Okay. Why did you need Ms. Pardo to get in touch with Mo Brooks about
3 that or his office?

4 A What was the date again?

5 Q This was December the 30th.

6 A I believe that I was with my family at the beach, Palm Beach Shores. And I
7 think Ali was still working during that stretch.

8 But I seem to recall just maybe it was an earlier conversation with Chief Meadows
9 about trying to figure out what was even happening with January 6th and if people were
10 going to go and make solid arguments or if it was going to turn into a big embarrassment
11 when they have these breakout sessions.

12 Q Were you instructed or encouraged to whip up support for objections?

13 A I don't remember going to actual whip efforts. I mean, obviously, from this
14 document, it says here there's some intel that was passed back on -- that was passed back
15 with regard to Mo Brooks and some of his efforts to pull people together.

16 But I know that there was a concern from Trump allies that this thing would just
17 turn into an embarrassment if they had the breakout sessions and everyone said, 'Oh,
18 well, we thought you were going to bring evidence or you were going to bring evidence,"
19 and then just look like idiots.

20 Q So did the President ask you to coordinate the effort on objections?

21 A I don't recall if it was the President specifically or -- I mean, I reference in
22 here that I've been in communication with the legal team or that I had knowledge of what
23 the legal team was or was not doing to a certain extent.

24 But I don't remember if that instruction came from the President or if I was
25 following up on a request from the chief of staff or something else.

1 Q Do you think it was likely that this request either came from the President or
2 the chief of staff? I mean, it says in here that, "No one from the legal team has made
3 contact with them at all." So it sounds like we need somebody to actually get on top of
4 this.

5 A I mean, the best that I can tell from this is that I was being asked to provide a
6 lay of the land of where things were with the 6th approaching the following week.

7 Q And now you're reporting back to Mr. Meadows.

8 A Correct.

9 Q Did you keep Mr. Meadows in the loop on this effort?

10 A Well, clearly, I had a few communications with the chief. And I know that
11 the chief would check in, just ask specific things about what was happening or what was
12 not happening. And, obviously, I would try to provide as much information as possible.

13 Q So it sounds like he was paying attention to the effort to see what was going
14 to happen on January 6th with the objections in the joint session. Is that right?

15 A He was definitely paying attention, absolutely.

16 Q All right.

17 So what did Ms. Pardo tell you about her interactions with Mo Brooks' office?

18 A I'm unable to elaborate other than what I wrote here going back to Chief of
19 Staff Meadows. Again, this was something that I -- a conversation I didn't recall having
20 until you just showed me this text exchange.

1

2 [4:25 p.m.]

3

BY [REDACTED]:

4

5 Q It says in the middle, they request examples of fraud, numbers, names,
6 whatever supporting evidence can be provided. We've now supplied that, but our legal
7 squad isn't exactly buttoned up.

8

9 So do you know what the examples of fraud, numbers, names, and supporting
10 evidence was that you sent to Mo Brooks' office? And, when I say "you," I mean you or
11 the campaign.

12

13 A There are some very, very general documents as far as -- as far as, say, for
14 example, here are the handful of dead people in several different States, here are
15 explanations on a couple of the legal challenges as far as saying that the rules were
16 changed in unconstitutional manner, but it was -- to say that it was thin is probably an
17 understatement.

18

19 Q At the end of the text, you say: I bring this up for a simple reason. If
20 we're hoping to move real numbers on the 6th, I think we need to quickly start mobilizing
21 our real deal allies. I'm ready to go. I have bodies to help and will follow your lead.

22

23 What did you mean by we're hoping to move real numbers on the 6th?

24

25 A I think as far as to have a significant number of Members who were willing to
stand up and address some of these issues of whether it be the judicial or legislative
tracks, the challenges that were had beforehand, and kept hearing about supposedly
these additional details of fraud and irregularities, but some of that never came.

26

27 Q Was it your expectation that there would be, or there could be, enough
28 objectors that it would actually change the outcome of the joint session, or was this just
29 an effort not to look bad, as you said earlier?

1 A It was an effort not to look bad.

2 Q Did the President know that there weren't going to be enough objectors at
3 the joint session to make a difference?

4 A I know I had that conversation with him multiple times.

5 Q Tell us about those conversations.

6 A I just said that, even if we have damning evidence, that the rules were
7 changed in an unconstitutional fashion, or that there was severe fraud and irregularity in,
8 say, a particular State that we didn't have a majority of both Houses, and so ultimately it
9 wasn't going to go anywhere.

10 Q Did that change his views or have an impact on him in any way?

11 A No.

12 Q What did he say in response to hearing that from you?

13 A Well, when they see all the examples, they're going to have to vote to send it
14 back to the legislatures to have more debate on it.

15 Q So he thought that any number of objections would be helpful, because it
16 would air the supposed fraud?

17 A Correct.

18 Q Did you tell him that the evidence was thin, like you've been saying here
19 today?

20 A Yes.

21 Q And what was his response to that?

22 A There is a lot more that you haven't seen.

23 Q Did he say anything specifically?

24 A Just -- roughly, just to -- to that, that there is a lot more things that are
25 coming forward, a lot more things that were going to be provided.

1 Q Did he have anybody building, like, evidence of this, you know, binders,
2 boxes, whatever it might be, all of this stuff that he says you haven't seen?

3 A Not that I'm aware of, and, obviously, not at the time of this message to
4 Chief Meadows.

5 Q And, based on the research that your team had done, it sounds like that
6 didn't exist, at least to your knowledge?

7 A Correct.

8 Q So Mark Meadows' responds to you, and it's that white box below the initial
9 one we were looking at on page 3 of this exhibit 76. He says: Thanks, Jason. You're
10 the best. I'll bring it up with POTUS, and I plan to meet with them on Saturday.

11 Do you know if Chief of Staff Meadows met with Members of Congress about
12 objections on January 6th?

13 A As far as in this -- so whatever that -- what was that Saturday before
14 the -- was that the 2nd, then? Would that be January 2nd? Is that what Saturday --

15 Q I'm not certain. I believe that's right, yes, Mr. Miller.

16 A So, not familiar with how that meeting specifically played out, again, since I
17 was out of town with the family, I would have been relying on secondhand information.

18 Q So you said there was a meeting. Was that a virtual meeting over Webex
19 or Zoom or something like that?

20 A I'm sorry. I just -- I just don't know.

21 Q What did Mr. Meadows tell you about that meeting?

22 A I don't remember with any specific detail. I'm reading the text messages
23 here and kind of going off of that.

24 Q Yeah. Sure. Did he say whether Phill Kline or John Eastman or anybody
25 else participated in that meeting?

1 A I don't recall those two names being brought up specifically about it -- about
2 the meeting.

3 Q What about big picture, just zooming out? What was the effect of the
4 meeting? Did it work? Were there plans that -- following the meeting?

5 A I don't really know what the -- what the takeaways were. I mean, certainly
6 the -- as I'm looking to the next text there, I mean, the Gaetz and Jordan types of the
7 world were already pretty hardcore supportive to charge ahead and raise any concerns.

8 So I'm not seeing, at least in the texts that are on the screen, any new names or
9 any new pieces of information, so it didn't seem like there was anything to move the
10 needle. But, to the point about not looking stupid, it wasn't so much about the
11 numbers, because fair they'd have -- okay, you get a Member from the House, a
12 Member from the Senate, you get people to bring it up. But, in these breakout sessions,
13 there needed to be some real details of things that were put forward, and that's what we
14 seem to be sorely lacking.

15 Q All right. In the next text message -- I think you just referenced it, but it
16 says: We're ready to rock. Connected with Gaetz and Jordan as well yesterday to
17 make sure they had the backgrounder and were being booked on the 5th and 6th.

18 Tell us about your interactions with Representatives Gaetz and Jordan on this
19 topic.

20 A I don't recall specifically. I mean, Congressman Gaetz was someone who I
21 would talk to periodically over the election, same thing with Congressman Jordan. But,
22 as far as in this stretch -- in this stretch, I don't remember being particularly active with
23 much of this. I mean, most of the communications that I had were poolside when I was
24 hanging out with the kids.

25 And, in fact, I had -- even though the President was just -- well, by that point, on

1 the 2nd, he was back up to Washington, I believe. But I did not see the President when I
2 was down at Palm Beach Shores and he was in Mar-a-Lago during that -- that week or so.

3 Q Did you talk with Representative Gaetz directly?

4 A I don't remember if, on this particular day or this stretch, if I did. As I've
5 said, I would communicate with him during the campaign, and even in the post campaign,
6 I would chat with him, but I don't remember for this particular time period if I did or did
7 not.

8 Q In those discussions that you had with Representative Gaetz, did he ever ask
9 you for the evidence that the campaign had about fraud or irregularities in the election?

10 A I don't remember with regard to Congressman Gaetz. That would be a
11 frequent question from many allies as far as what else do we have, and usually didn't
12 have that good of an answer for them.

13 Q All right. And, if you don't have a good answer for them, what was their
14 response? Did it matter?

15 A Well, no. To say that the -- essentially what I had been told by the legal
16 team, that the legal team says that they're compiling that, and we're getting that ready
17 to -- to present, and so -- but the thing with the legal team is they'd always be ready to
18 present at this next hearing, or at this next event, or at this next press conference, or on
19 January 6th itself, so that the goalpost would constantly get changed.

20 But, as I've said before, at some point, there was a realization that there probably
21 wasn't going to be anything really special being put forward, at least nothing that would
22 give any sense that there were enough concerns surrounding fraud or irregularities to
23 potentially move the election results.

24 Q Did Representative Jordan know that, that that was your position?

25 A I don't remember having that detailed of a conversation with the

1 Congressman. Congressman Jordan is very close with former Congressman Meadows.
2 So, while I would chat with Congressman Jordan on occasion, he'd probably chat with
3 Meadows a little bit more than he would -- than he would chat with me.

4 Q This text says that you made sure they had the backgrounder and were being
5 booked. What's the backgrounder you're talking about?

6 A So that's -- I'm reading here. This is a text from Meadows?

7 Q Nope. That's a text from you to Mr. Meadows. You're in blue.

8 A Oh, I'm in blue. Okay.

9 Again, I remember we had some kind of backgrounder that had a few examples or
10 concerns, but some of them were, as I said, somewhat thinly based. Or, when I say
11 "thin," meaning there were real examples, anything we'd put forward or that I shared, we
12 felt that we had very solidly backed up.

13 And obviously there were concerns, whether it be the dead people, or even with
14 some of the -- as we went through, say, Georgia, for example, through their canvassing
15 and then recount process, there are a number of places where they found -- I think two or
16 three counties found over 1,000 or more missing -- missing ballots that had not been
17 counted.

18 And so there were places where there were definitely election concerns, but I -- I
19 seem to remember the backgrounder also having some details that went a little bit more
20 to the constitutionality of some of these issues.

21 So, say, for example, in Milwaukee, Dane, and Madison -- I'm not sure, so I may be
22 getting the cities and the counties somewhat conflated in Wisconsin. But there were no
23 applications on file for some of these ballots, so there were -- according to their own
24 State rules, those were cast in an unconstitutional fashion.

25 So I seem to remember having a little bit of a mix of both granular examples of

1 fraud and irregularities, but also broader constitutionality-type issues.

2 Q Can you go through your documents and make sure that's something that
3 we have, if you have it, this backgrounder?

4 A So I know for a fact that everything that -- everything I had, I turned over
5 to -- to my attorneys. And then, obviously, same thing with the -- with the emails. So
6 I've made a -- my -- the documents I still had remaining from the campaign are very
7 well-organized and were handed over.

8 Q I appreciate that, Mr. Miller.

9 You mentioned allies and that you'd often receive requests for evidence from the
10 President's allies.

11 Who are some of those allies?

12 A Could have been simple campaign surrogates or friendlies in the media.
13 Say, for -- you know, could've ranged from a -- early on, say a Tucker Carlson asking for
14 examples of dead people, running to other various talking heads or different people that
15 were kind of allies that were out there saying things.

16 Q What about Members of Congress? Who are those Members who were
17 asking for evidence of fraud or irregularities from the campaign?

18 A Beyond the names that I've seen here with regard to -- with regard to Gaetz
19 and Jordan -- obviously there was the earlier reference to a Mo Brooks -- I don't
20 remember who else I may have chatted with during this stretch.

21 Q In your conversations with Mr. Brooks, did he think that there was going to
22 be a sufficient number of objectors at the joint session to actually make a difference?

23 A I don't recall anyone ever saying that they thought they'd get to a majority of
24 both Houses for a particular State.

25 Q Did anybody that you spoke to, Members of Congress, think that there was

1 sufficient evidence to establish widespread fraud that would change the outcome of the
2 election --

3 A Oh --

4 Q -- from your conversations?

5 A Yeah. For sure. That there were -- one of the frequent refrains out here
6 would be the -- the drop, as it's referred to, whether it be the -- Pennsylvania, I think, was
7 the big drop, but I think there was also a drop at election night in Michigan. There'd be
8 various things thrown out there of precincts where there are more votes than there are
9 actually eligible voters. Some of that, as it was -- it's been shown.

10 Wrong States were compared, and so the evidence -- or it'd be a primary
11 compared to the general election, those types of things. But some of the -- some of the
12 Members and some of the allies definitely were believing what they wanted to hear.

13 Q Who was believing what they wanted to hear, in your opinion?

14 A Oh, I don't remember with enough specificity to say here is someone who
15 was completely off base or something of that nature, but there clearly were allies who
16 were, I would say, focusing on data points that had not really been verified.

17 Q Okay.

18 [REDACTED]. Any questions on what we've covered at this point?

19 BY [REDACTED]:

20 Q All right. I want to go to the Senate now. Continue on with exhibit 76, on
21 January 3rd, which is page 4. At 3:09, which I believe may be in the morning, though I'm
22 not certain of that, you sent a message to Mark Meadows saying, flagging -- we'll bring
23 this up for you -- "We're flagging iceberg ahead issue in Georgia. On Saturday, when I
24 called to tell the President about the publicly released Kemp/Collins poll, he asked me to
25 ask Perdue, Loeffler to get on board with the Cruz effort. Neither appear to be willing to

1 join the effort, and I have not yet communicated this back to POTUS. Perdue (via Paul
2 Bennecke) gave a weak response that he's no longer a Senator as of noon on Sunday.
3 Loeffler, (via Ward Baker) gave me a weak response that we could discuss it at the rally
4 on Monday."

5 And then you expressed concern that, with them not being on board with the Cruz
6 effort could become a big rally issue on Monday, and it might be worth you,"
7 Mr. Meadows, "personally prodding both Senators on Sunday."

8 Tell us about the call you had with the President that prompted you to write this
9 text message.

10 A I think -- let's see. I'm looking through here. You don't mind if I can read
11 it again?

12 Q Of course.

13 A Okay.

14 Q All right. So tell us about the conversation you had with the President that
15 prompted you to write this text message.

16 A So the -- my best recollection is that the President was complaining about
17 the lack of support from Perdue and Loeffler specific to the Cruz effort, and --

18 Q What -- what was the Cruz effort?

19 A That -- that Cruz was the -- I'm not sure he was the first Senator. That first
20 Senator may have technically been Josh Hawley, who said that he would also join in
21 supporting what the House guys were doing on raising some of the concerns.

22 I believe then Cruz, if I'm remembering this correctly, is either Hawley said he was
23 on board, and then Cruz came forward at the same time as like 11 members, or Cruz
24 came forward and then Hawley came forward with 11 members or so. I forget the exact
25 way it played out, but bottom line is that there'd be additional people in the Senate who

1 would raise, or who would second the motions coming from the House Members on
2 specific States on January 6th.

3 Q Okay. And so the President, you said, was, I guess, concerned or getting
4 upset. And continue with what that conversation was like.

5 A So the President was concerned that these two Senators that were in these
6 runoffs might not win their races if they didn't get on board and support this, because this
7 is what the people wanted. And I think there may be -- at least I had the concern that
8 the rally in Georgia could get very awkward if the President made the entire thing about
9 the -- the stolen election as opposed to the rally or -- excuse me -- to the runoff elections
10 that were happening literally the day after the rally.

11 Q So the rally issue is about what was happening in Georgia?

12 A Yeah. So the -- the rally issue was just the fact that this could potentially be
13 a very unhelpful news cycle right before a -- two Senate runoffs in the State of Georgia
14 with the fate of the Senate in the balance.

15 Q Now, you said in this text message that you reached out to Senator Perdue's
16 office and Senator Loeffler's office. What was the goal? To get them on board with
17 the Cruz effort, I assume?

18 A I don't remember if it was to get them on board or to gauge really where
19 they were, or if there was -- or if at least they'd have some language that appeared to be
20 more supportive of it. I don't remember exactly how those two conversations went, but
21 it was pretty clear that neither political consultant wanted to touch this with a 10-foot
22 pole.

23 Q Did they ask to see evidence of fraud or irregularities?

24 A No.

25 Q Did they say why they didn't want to touch it with a 10-foot pole?

1 A Well, just going back to some of the earlier comments I had made and just
2 the -- the issues of voting irregularities, or stolen election don't move people to the polls.
3 And they wanted to talk about the dangers of handing over the Senate to the Democrats.
4 And the President was convinced that they weren't talking about what happened on
5 November 3rd and -- in the election, that they were destined to fail.

6 Q Can we go to exhibit 35, please.

7 This is a tweet or -- excuse me -- an email. You did not provide this one, but this
8 is an email -- looks like you got a Commsalert. Kaitlan Collins tweeted that Kelly Loeffler
9 refuses to say whether she'll vote to certify Biden's win or join the Republicans who have
10 said they'll reject it. She says, I'm looking at it very closely.

11 You forward that on to Mr. Meadows and say: Oy vey, he's not going to want to
12 do the rally.

13 That rally, that's the Georgia rally?

14 A Correct, the following day.

15 Q Did he see this, like I need your support in January 6th in exchange for my
16 support in the Georgia Senate race?

17 A No. I don't think that's necessarily the right way to look at it. I think it
18 was more of these guys are going to blow it by not talking about the issue that I think the
19 voters are most concerned about. And also, why would I want to show up and help
20 these guys to win when they're undermining our efforts or not being supportive for
21 what's coming up.

22 Q All right. If we can go to exhibit 36.

23 This is an email that you did provide ending in Bates 11591. This is a January 2nd
24 email. It said: Richard, just spoke to POTUS, and he'd really like to see the Senator
25 joining Hawley, Cruz, and others here.

1 And then Richard Perry, who I believe works for Senator Graham, Lindsey Graham,
2 said: Not likely.

3 Do you remember this exchange?

4 A Yes.

5 Q Tell us about the conversation with the President. Was that the same
6 conversation you had, or is this a different one where he was asking specifically about
7 Senator Graham?

8 A I don't recall. If there were -- I mean, January 2nd, again, since I was out of
9 town, I probably -- I think there were less frequent phone calls during that week, so it was
10 most likely on the same call.

11 Q Did you follow up with Mr. Perry about his response, not likely?

12 A Not that I recall. It's pretty -- pretty definitive. I don't think he left much
13 wiggle room there.

14 Q Did you communicate this response to the President?

15 A I don't remember.

16 Q Did you communicate it to Mr. Meadows that you recall?

17 A I don't remember, unfortunately.

18 Q All right. If we can go to exhibit No. 37.

19 This is a document you provided ending in Bates 13820, and this is an email that
20 you received from Boris Epshteyn on January the 5th at 9:30 a.m. It was addressed to
21 you, Ms. Pardo, Mr. Murtaugh. And the subject is "briefing materials for House
22 Members and Senators," tells you to see below and attached. And that was actually a
23 forwarded message from, it looks like, Mayor Giuliani.

24 You then forward that on to Mr. Meadows, and I believe you also forward it on to
25 Marc Short, as well as Kayleigh McEnany, among others.

1 Do you remember this briefing materials email that you received from
2 Mr. Epshteyn?

3 A Vaguely. I remember that something was sent along, but I don't remember
4 it being particularly persuasive, but it was what was available.

5 Q Do you know if this is the backgrounder that you were talking about in those
6 earlier text messages?

7 A Without seeing it, I don't recall. Again, if something was forwarded from
8 Boris, that would imply that it came from the mayor's legal team as opposed to
9 something that was forwarded from, say, the -- the remnants of the communications
10 team that was still around the campaign.

11 Q This says: Briefing materials for House Members and Senators.
12 Were you expecting that briefings would be given to House Members and
13 Senators on the 5th or 6th?

14 A I'm sorry. Would you mind restating that?

15 Q Of course.

16 The subject here says: Briefing materials for House Members and Senators.

17 So were you expecting that briefings were going to happen with Members of the
18 House or Senators on January the 5th or 6th?

19 A I remember at one point, Chief Meadows told me that he was speaking with
20 a number of Members, and that he would share any additional information that we had,
21 again, just since it didn't appear that Mayor Giuliani's legal team was doing much
22 communicating.

23 Q Did Mr. Meadows say he was going to do those briefings in person?

24 A I don't remember the specificity of the -- of the follow-up there.

25 Q Were you going to do the briefings with him?

1 A Not something that -- not something in person. I was not with him for one
2 of these briefings, no.

3 Q Did you do briefings with Members not in person?

4 A I don't remember if I had any phone conversations. I don't remember any
5 broader, widely attended call, for example. I mean, there's always a possibility there
6 was a one-offer interaction, but I just -- I just don't remember on -- on that day.

7 I think -- I think, by the time we got to the 5th, I think that I had just gotten back
8 into town. I think there was -- more of the mindset was let's just get this thing over with
9 the next day. So, for example, on the -- on the 5th, I went to the chiropractor. I got a
10 haircut. I got my beard trimmed. I went to McDonald's. But it wasn't exactly a -- the
11 full-court press.

12 Q Do you know who did the briefings with Mr. Meadows?

13 A Not that I recall.

14 Q Do you know how many Members of Congress were involved in the briefings
15 on the 5th or 6th?

16 A I do not. I'm sorry.

17 Q Do you have an estimate?

18 A I don't remember.

19 Q Okay. Could you go to exhibit No. 38?

20 I believe this was the attachment, or one of the attachments to the email. It
21 says: Background for congressional leaders, voter fraud highlights for 2020 U.S. election
22 presented by the Giuliani team.

23 Do you remember this document?

24 A Vaguely. I mean, it says: Presented by the Giuliani team. Do you know
25 who that was, or was there metadata that says who prepared this?

1 Q Not that I'm aware of.

2 A I mean, the Giuliani team is kind of --

3 Q Let me ask -- let me ask it this way: Is this a document that you remember
4 participating in the creation of?

5 A Not that I remember of. I mean, presented by the -- the Giuliani team's
6 both specific and vague at the same time.

7 Q Were you ever considered a part of the Giuliani team, to your knowledge?

8 A I don't think I was ever considered part of the Giuliani team. I mean,
9 obviously, I'm part of the President's team. I mean, at least not since like 2007, 2008,
10 when I was on the mayor's Presidential campaign. Obviously then, I was on the Giuliani
11 team. But, as far as during this post-election phase, I don't believe I was ever
12 considered in that -- in that crew.

13 Q There is a number of allegations about fraud and irregularities in this
14 document, some of which we've seen before. Did you have any role or your research
15 team have any role in vetting any of the claims like the ones you see there on page 1?

16 A Looking at this and just, again, for something from the -- presented by the
17 Giuliani team and knowing the research folks, how adamant they were about some of the
18 Dominion details in particular, they never would have signed off or approved this. And,
19 by this point, obviously I was very cautious about anything that was said about Dominion
20 and would urge people just not even -- other than saying, yeah, there were some issues
21 on election night and -- I don't remember pushing the Dominion aspect just because the
22 research I had seen.

23 Q All right. And if we go to exhibit No. 39, please.

24 I believe that this document is also attached to the email in the briefing materials,
25 but it's called State summaries by Makrides.

1 Do you know somebody named Christo Makrides, or something along those lines?

2 A No. That -- that name does not ring a bell.

3 Q Have you ever seen this document? We're showing you the top of it.

4 Critical issues with the 2020 election, a key battleground State synopsis?

5 A If you can keep scrolling through there. That looks pretty horrendous.

6 I'm not sure where that came from.

7 Q Yeah. I understood the quality is not -- the quality of the copy is not great.

8 Do you remember participating in or editing, vetting a document that looks like
9 this?

10 A I don't remember participating or editing anything like this.

11 Certainly -- certainly not something that just looked that terrible and just even real quick,
12 but even some of the concerns and questions being raised right in the beginning seemed
13 pretty outlandish.

14 So this -- I -- like, for example, I probably -- if I did see this, I probably wouldn't
15 have gotten past the first couple of paragraphs without saying this is a bunch of
16 unfounded nonsense.

17 Q And then exhibit No. 40, this is the Navarro report, or one edition of the
18 Navarro report.

19 Are you familiar with the Navarro report?

20 A Yeah, I think he had three, maybe, in total.

21 Q Right. Three volumes. This is The Immaculate Deception. I believe this
22 is the first volume or edition, whatever you call it.

23 Have you reviewed the Navarro -- excuse me -- Navarro report?

24 A Not the whole thing, no.

25 Q Did you ever look at any of the underlying evidence that purported to

1 support the claims in the Navarro report?

2 A I seem to remember looking at maybe the first page, maybe the second
3 page, but it was, best of my memory, if you keep going -- can you keep scrolling?

4 Yeah. I seem to remember just that whatever the opening page or opening
5 couple of pages had a bunch of allegations but didn't really have much in the way of
6 specifics, and I just wasn't going to go and spend a bunch of time reading all that.

7 Q Did your research team, to your knowledge, have any role in vetting the
8 claims or the evidence in the Navarro report?

9 A Not at all.

10 Q Okay. So -- so these three documents, I believe they were the documents
11 that were sent to you by Mr. Epshteyn and that you sent on to Mr. Meadows saying that
12 this can be shared. And I think you also sent it to Marc Short and Kayleigh McEnany.

13 So why would you, I guess, share these documents, and for what purpose?

14 A Well, at the time of the run-up, it was clearly the best information
15 that -- that we had. And, even as weak and terrible as it was, this was being shared.
16 And, admittedly, I think it -- at that point, I think my mindset at that point was I've
17 forwarded it as requested. I've done my part. This is what they got, and this whole
18 thing will be done tomorrow.

19 Q You said forwarded it as requested. Who requested you to forward it
20 along?

21 A Well, that's what -- I don't remember specifically who was the -- whether it
22 was the people I was sending it to, or if they were asking for additional information, or if
23 Mayor Giuliani's legal team, Boris, or anybody else was asking me to forward it. But
24 clearly I forwarded it for some reason, so I don't remember where the request ultimately
25 came from, but I forwarded what was available, and -- as weak as it was.

1 Q The messenger kind of, as opposed to the voucher? Is that fair?

2 A I mean, it was certainly not research that I had done firsthand, or that my
3 team or what remained of the team had done. But, again, going to the -- the mindset of
4 the day before, I think I was not alone in many people of just wanting this to -- wanting
5 this to be over.

6 Q All right. So I want to go to exhibit 41, please.

7 This is a tweet from Donald Trump's account on December 19th, 2020, at
8 1:42 p.m. It references the Navarro report, and it says: Statistically impossible to have
9 lost the 2020 election. Big protest in D.C. on January 6th. Be there, will be wild.

10 Did you have any role in this tweet?

11 A No.

12 Q Do you know why there is now a focus, on December 19th, on January 6th
13 from the President's perspective?

14 A On that day?

15 Q Right.

16 A I don't know why that day would have sparked the -- sparked the interest. I
17 don't know if that was the first time he saw Peter's report or if that was the first time he
18 heard about the rally at the Ellipse or what prompted this necessarily.

19 Q Next, could you go to exhibit 42. I'm sorry. Yep, 42.

20 You received this tweet as a Commsalert and forwarded it on to Boris Epshteyn.
21 Why did you forward this along to Boris Epshteyn? And this is -- for the record, it's a
22 Bates ending in 10657.

23 A I don't have any commentary on there. I'm not sure why I sent it along.
24 Again, I don't know if I was flagging the Navarro Report or if -- I know at a certain point
25 we started hearing more talk about this rally at the Ellipse, or ended up being at the

1 Ellipse on the 6th. But, without any additional comments or words there, I don't
2 remember why I forwarded this particular alert.

3 Q At that point, December 19th, do you remember hearing that there was
4 going to be a rally at the Ellipse?

5 A I mean, certainly by the time that I had read this. To the best of my
6 memory, there was a -- I think there was a nationwide tour that one of these Tea Party
7 groups, like the Women for Trump, that they were doing starting, like, out west and then
8 driving toward D.C. I remember at some point seeing just they were doing all these
9 different rallies and stops.

10 I don't remember when exactly I saw that, but obviously by this point, as far as
11 there being a rally on the 6th, obviously, I would have been aware of it. I don't
12 remember if there was something specific before that that would have set off, I guess,
13 you know, an alert in my mind to pay attention to it.

14 Q After this email, do you remember talking to Mr. Epshteyn about it, like what
15 is this, what's going to happen on the 6th, anything like that?

16 A I remember at one point, I asked if the President was planning on attending,
17 or if this was something that the legal team had been talking to the President about
18 attending. And I remember at least the first time, or at least the first couple of times we
19 discussed it, it was really kind of news to the -- the legal team as well, because it was
20 being organized by some outside folks.

21 Q When you say legal team, are you talking about Mr. Giuliani and his team?

22 A Correct.

23 Q We're going to get to that conversation in just a moment, but I want to go to
24 exhibit 43, which is another tweet by the President, December 27th, saying: See you in
25 Washington, D.C. on January 6th. Don't miss it. Information to follow.

1 Did you have any role on that tweet?

2 A No. And, in fact, I'm -- whenever the -- there were a couple of tweets that
3 he put out that kind of teased as if he was going, and I'm not sure if this is the one that
4 viewed as him definitively saying he was going, but I remember, whenever he -- whether
5 it was this or a subsequent tweet that made it clear that he was going, that was a surprise
6 to everybody.

7 Q I think we're going to get to the one you're referring to, Mr. Miller, but I
8 appreciate you -- you mentioning that.

9 If we can go to exhibit 44.

10 This is not a document you provided. This is text messages between you and
11 Ms. Kayleigh McEnany. And, towards the bottom is a message. It's dated December
12 the 29th at 10:00 a.m. You say: Just spoke with POTUS. Here is his focus. Please
13 let me know if you'd frame anything different.

14 First, we won. And you go through a few things.

15 And then, if you go on to the next page, the last line of your text message is: We
16 can also say POTUS is considering attending the January 6th rally in D.C. and to stay
17 tuned.

18 Can you tell us about the conversation that you had with the President where you
19 learned that he's considering attending the rally on January the 6th?

20 A Well, I think I had learned about him considering the rally from
21 multiple -- from multiple tweets that were being put out. Of course, there had been
22 some social media commentary and a number of people just asking is he going, is he not
23 going, what does this mean?

24 So I know, at a certain point after one of these tweets, I just asked him, Hey,
25 what's the story with this? And whatever I communicated there to Kayleigh would have

1 been whatever he had communicated to me.

2 Q Do you remember what he told you?

3 A Just I would have -- I would have been very precise with what I shared. So,
4 if I say there that we can also say POTUS considering attending the rally on the 6th, and to
5 stay tuned, that that's what he told me.

6 Q Do you remember anything else about that conversation you had with the
7 President where he talked about the January 6th rally?

8 A Would you mind scrolling back up to what else I had said there to Kayleigh?
9 I mean, it seems pretty clear this conversation was all over the map.

10 Q Okay.

11 A Everything from November 3rd to the Louie Gohmert lawsuit to the NDAA
12 and section 230, base renaming, to the \$2,000 stimulus checks, and then, to the final
13 point about January 6th.

14 I mean, it seemed to be a -- just a catchup call where -- I mean, I had a whole
15 number of seemingly disparate topics that I was relaying it to Kayleigh.

16 Q Maybe outside of the context of this call, did you ever talk to the President
17 about his expectations for January 6th?

18 A Yeah. We touched on that a bit earlier, but I'm happy to reiterate if there is
19 something that I didn't make clear.

20 Q Just in the context of this, what did he think was going to happen at the rally
21 and the gathering on the Ellipse?

22 A So the -- the focus leading into January 6th was all about what was going to
23 happen with the Vice President. The -- the rally was really an afterthought, at least in
24 my mind. It was not something that the campaign was putting on. It was not
25 something that was a formal event from the White House. It ultimately wouldn't impact

1 or change anything.

2 Of course, if the President said that he was going to throw a rally or throw an
3 event, of course there'd be a -- probably a large number of people that would -- that
4 would be there. But my focus was always on what was going to happen when they
5 started counting those ballots from the States.

6 Q Did he tell you that there was going to be a march, for example, to the
7 Capitol, on January the 6th?

8 A I did not learn about that until his speech itself, until he actually delivered it.

9 Q That was the first time you'd heard about him potentially marching to the
10 Capitol?

11 A Correct.

12 Q Did you hear about other people potentially marching to the Capitol on
13 January 6th, even if he wasn't going to be involved?

14 A Not that I recall. Everything was always about the Ellipse, and I, of course,
15 learned later just from public reports that there were additional protests around the city,
16 and different things that were going on. But just, again, the people that were organizing
17 the event on the Ellipse were a little bit in the gadfly territory, and so, I figured it would
18 be similar to Elvis' last concert, and people are going to show up and cheer him on, and
19 then the Vice President would do his thing, and then it would be certified, and it would be
20 over.

21 Q All right. If we can go back to exhibit No. 76, please.

22 [REDACTED]. Do you have any follow up on that, [REDACTED]?

23 BY [REDACTED]:

24 Q Seventy-six, and the text -- again, these are your text messages in blue, on
25 December 30th at 18:05, which is on page 2 -- bottom of page 2. So these are text

1 messages, 6:05, December 30th, from you to Mark Meadows. You say, "I got the base
2 fired up." And then you sent a link to thedonald.win and a page on there. It says:
3 Trump team wants to present spec, is the -- included in the URL.

4 Do you remember sending this to Chief of Staff Meadows?

5 A I do not.

6 Q All right. Do you know what you're referring to when you say you got the
7 base fired up?

8 A I do not. I don't know if it's possible to click on that link or if that's there,
9 but seems to be referencing something from the campaign had communicated, or the
10 legal team had communicated.

11 Q When you use the term base, though, do you typically -- are you referring to
12 Trump supporters?

13 A Correct.

14 Q If you can go to exhibit 45, please, page 1.

15 So this is a screenshot of the internet archive for thedonald.win page that you had
16 sent to Mr. Meadows, and it says "Trump team wants to present specific evidence on Jan
17 6, campaign adviser Jason Miller." I assume it goes on to say -- it says something along
18 those lines.

19 Do you remember this now?

20 A Oh, is that based off an interview that I'd given?

21 Q I think that's right.

22 A Is it possible to click on that or tell me what that -- which interview that was?

23 [REDACTED]. If you scroll down to page 2, [REDACTED]

24 BY [REDACTED]:

25 Q There are some quotes there that I believe are attributed to you. It says,

1 quote, "these are the specific types of evidence we want to present to the American
2 people on the national stage and not allow local politicians to sweep under the rug, Miller
3 said."

4 And then it goes on: "Miller said that evidence could be presented in Congress
5 which would differ from what the Trump campaign presented in courts over the past
6 several weeks."

7 Does that help refresh you on what this is?

8 A Yeah, roughly. I mean, it looks like it came from one of the television
9 interviews maybe that I gave previewing somewhat what would happen on -- what would
10 happen on the 6th in the breakout sessions.

11 Q Okay. So, in the texts you sent to Mr. Meadows, you said you got the base
12 fired up. I imagine you read through the comments and saw that people are reacting to
13 this?

14 A I don't remember the exact mindset, but obviously, the messages that I was
15 given from the legal team and where we wanted to go was that these breakout sessions
16 would give people exactly like I said here, specific types of evidence we want to present
17 to the American people, and I was doing my job as the communicator to share that.

18 Q Yep. Totally understand that.

19 In the text message you sent, though, to Mr. Meadows with this link to this web
20 page, you say, "I got the base fired up." So that -- that based on your review of this, the
21 base talking about your comments?

22 A I think as far as the base being fired up that -- that there would be these
23 specific pieces of evidence that would be presented, and it would be a fruitful endeavor,
24 to the best that I recall.

25 Q Would you have said a base is fired up if this -- they just quoted you and

1 then nothing followed? I mean, it seems to me, Mr. Miller, like that's based on, Hey,
2 there is a lot of reaction. This is -- is getting a lot of play, attention.

3 A So short answer to that is, just based on what I've seen, that it doesn't seem
4 to be enough to say that the base is fired up. I'm not sure if the quotes were getting
5 significant attention from -- from, say, other websites or other things of that nature.

6 Q Yeah. Let's go through some of them, because it does have -- there is 673,
7 or 693 comments to this quote, or these quotes that they took from you and posted here.
8 You know, they talk about machine hacking, or just kind of guessing at what might
9 happen on January 6th, and that maybe it was successful, and the President would be
10 hailed as a hero.

11 So there was a lot of interaction with this article. It was getting a lot of attention
12 on this site. Does that help refresh why you said to Mr. Meadows that you got the base
13 fired up?

14 A Not particularly, because I don't recall sitting and scrolling through hundreds
15 of -- hundreds of reader comments on a Reddit page, or whatever it is. What I'm
16 assuming happened was that I had a Google alert that popped up, and I saw that there
17 seemed to be a lot of activity based off of what I said. And maybe I sent it just because
18 it was generating a lot of interest, but I can't imagine a scenario where I actually sat there
19 and read everything.

20 Q Okay. And, even if you didn't read everything, I mean, it -- it looks like
21 you've looked at this, or you did look at it before sending it to Mr. Meadows.

22 So how do you think you became aware of this on thedonald.win?

23 A I would assume -- I mean, I've -- probably from a Google alert, I'm assuming.

24 Q Did you get Google alerts about thedonald.win fairly regularly, or sometimes
25 even?

1 A I would get -- I would get Google alerts to my name. It would pop up, and
2 sometimes I'd click and see what people are saying, sometimes not, if it was something
3 from a site like Reddit or Donald or something like that. But I did not have a Google
4 alert set to that specific site.

5 Q All right. So we can go to page 4 of this exhibit, exhibit 45.

6 I do want to go through some of these comments. If you look at that one at the
7 bottom of the screen there, this is one of the earlier comments on thedonald.win page
8 shown here. It says, "Gallows don't require electricity."

9 Do you remember seeing that?

10 A No. No. Absolutely not. And, if I did see a comment of that nature,
11 then I definitely would have flagged it for somebody. That's -- I don't endorse any
12 commentary of that nature.

13 Q If we go to page 13 of this exhibit.

14 So the Totally Kyle there, it says: If I don't like the answers on January 6th, I'm
15 walking into these buildings.

16 Then somebody says: We're all counting on you. Kidding. We're all piling
17 into there.

18 Then, at the bottom of that page, it says: I'm assuming that however many
19 people are there in D.C. on the 6th, parentheses, millions, will be at the Capitol Building,
20 surrounding it, and will bust in through the doors if they try to stop Pence from declaring
21 Trump the winner.

22 You've never seen any of these comments before sending this to Mr. Meadows?

23 A No. And, if I had seen something like that, I probably would have flipped it
24 to someone at the White -- or, if I had seen something of that nature, I would have said,
25 you know, flag this for Secret Service or something of that nature.

1 And, again, my whole focus going into the 6th, or in the run-up, was simply
2 everything was about the counting of the ballots and what was going to happen at
3 1 o'clock. I was viewing the rally down at the Ellipse as a completely separate thing, and
4 just never in my mind connected that any of the rally activity would spill over to the chaos
5 that we saw at the Capitol.

6 Mr. Muyskens. Dan, just a quick question. Were all --

7 [REDACTED]. Yeah.

8 Mr. Muyskens. -- these comments -- were they -- when the link was sent, were
9 all these comments there, or did they kind of stream in later as more and more people
10 commented?

11 [REDACTED]. You know, that's unclear. But, based on this capture alone, and
12 so, that's why we're exploring this with Mr. Miller, just trying to understand the comment
13 of whether this referred to, you know, the base being fired up. Because this -- clearly
14 the base is fired up here. I'm just trying to understand if Mr. Miller saw any of these.

15 Mr. Muyskens. Yeah, I just -- I just -- like I said, I didn't know when you captured
16 it, so I was curious.

17 [REDACTED]. Yeah. And the capture for this, just to be clear, I think, was on the
18 first page. It was like midnight on January 1st, so about a day later.

19 Mr. Muyskens. Okay.

20 BY [REDACTED]:

21 Q And, on this website -- I know we talked about this before, but, to your
22 knowledge, did the President pay attention to what was going on on thedonald.win?

23 A Not that I'm aware of. It's never something that I remember discussing
24 with him.

25 Q Did you bring any of these comments or pages from thedonald.win to his

1 attention?

2 A Not -- not from thedonald.win. These -- I was pretty careful. If there was
3 something I was putting in front of the President, it would have been a verified story and
4 something that would have been from a reputable news outlet.

5 Q Do you remember if Mr. Meadows ever called you about this when you sent
6 it to him?

7 A Not that I recall.

8 Q All right. If we can go to exhibit 47, particularly page 2.

9 This is a tweet from the President. He's retweeting a tweet from Kylie Jane
10 Kremer. It says: Be a part of history January 6th. Arrive by 9 a.m. at the White
11 House Ellipse.

12 And then a few hash tags, "March for Trump," "Stop the steal," "Do not certify."

13 And the President, in his retweet, says: I will be there. Historic day.

14 Do you know who Kylie Jane Kremer is?

15 A Yes.

16 Q How do you know her, or of her?

17 A She's the daughter of Amy Kremer, who is a Tea Party
18 activist -- Georgia-based Tea Party activist.

19 Q Did you work with her at all to help set up or coordinate the rally on the
20 Ellipse on January the 6th?

21 A Not as far as for the rally. So, I mean, I've interacted with Amy and Kylie
22 Jane over the years going back to well before I had worked with President Trump in the
23 first place because they're active in Tea Party politics and endorsing candidates that I was
24 helping out or things of that nature.

25 But the -- but, as far as the Ellipse or that sort of thing, that wasn't something I

1 was a part of.

2 Q Did you ever talk to her about the rally on the Ellipse on January 6th, 2021?

3 A I know that Amy had reached out a couple of times. I don't recall if I ever
4 got back to her. I know that the President had asked me once or twice to give Amy a call
5 just to see what the crowd size was looking at, but I didn't call her.

6 Q So was the President, then, interested in the size of the crowd on the Ellipse
7 on January the 6th?

8 A Correct.

9 Q What did he tell you about that?

10 A It's going to be a huge rally, and do you have any idea how many people?
11 You ought to call Amy Kremer and see what the crowd size is going to look like.

12 Q Did he say why he wanted a lot of people there?

13 A No.

14 Q And did you call and find out about the expected crowd size?

15 A Not that I recall. I don't believe I called Amy.

16 Q One of the hash tags is March for Trump there.

17 Do you remember talking to anybody about the expectations for a march on
18 January the 6th?

19 A No. I remember everything being focused on the Ellipse, and obviously, it
20 was kind of spilled out across the street onto the Mall near the monument and seeing
21 some of the news footage and such, but the -- the whole kind of notion of marching up to
22 the Capitol was something that I wasn't aware of until the President said -- actually said
23 some words to that effect during his speech.

24 Q So another person involved in the rally was somebody named
25 Katrina Pierson. Do you know who that is?

1 A I do.

2 Q Who is that?

3 A Katrina is someone who worked on the President's two campaigns, but very
4 much in kind of a independent-type role that wasn't -- that was sometimes coordinated,
5 sometimes not coordinated with the rest of the campaign. So I know the second
6 campaign, she headed up Black Voices for Trump. I might be getting the name slightly
7 wrong, but she's one of our lead outreach people for Black outreach.

8 Q Did you talk to her about plans or expectations for the rally on the Ellipse on
9 January the 6th?

10 A I don't recall if I spoke with Katrina. Katrina and I aren't particularly close,
11 so I probably would not have self-selected to reach out to her.

12 Q I see. We do have text messages. I don't have them here to show you,
13 but one of them is after January 6. You sent her a text on January 31st about a potential
14 Bloomberg article that was coming out, and you said to her: They're no longer
15 mentioning the 1/4 meeting and simply saying you are in touch with the White House re:
16 Logistics.

17 Does that ring a bell, the Bloomberg article and this January 4th meeting?

18 A I know that, at some point -- at some point, I know Katrina went to see the
19 President to talk about -- to talk about the rally on the 6th. I, obviously, was not there.
20 I was returning from Florida on that day. I don't remember at what point I learned that
21 they had that meeting. I believe that was after January 6th when I found out about that.

22 But I just remember Katrina telling me that she'd gone in to talk to the President
23 about the rally, and kind of what the logistics would look like and the format and those
24 types of things.

1

2 [5:26 p.m.]

3 BY [REDACTED]:

4 Q Did she tell you at all about a conversation regarding the National Guard that
5 came up during that meeting?

6 A I don't remember her saying anything about the Guard. When I talked to
7 Katrina, she said it was essentially her saying, Here's what the day is going to look like, the
8 speakers, the flow of events, kind of the accommodations, so to speak, what it would look
9 like, backdrop, those types of things. Logistics essentially.

10 Q Did you talk to anybody about the National Guard related to January 6th,
11 including the President?

12 A All the conversations I had where the Guard was mentioned, I remember
13 those being after January 6th and the run-up to, obviously, my work with the second
14 impeachment. So I don't remember any National Guard conversations before
15 January 6th.

16 Q Why was it important to Ms. Pierson that Bloomberg not mention the
17 January 4th meeting that she had with the President?

18 A I don't recall. And, again, not seeing the exact text message or the context
19 of the article, I can't speak to her mindset, if it was just a matter of being mentioned or
20 not being mentioned or her activity with the rally at the Ellipse. I don't recall. I'm
21 sorry.

22 Q What did you do to have Bloomberg not mention that meeting in the article
23 they were working on?

24 A Did the text imply that I remove that or I was pointing the fact out?

25 Q Well, what you said is they're no longer mentioning the 1/4 meeting and

1 simply saying you're in touch with the White House. So it did imply -- I can't be certain,
2 though, but it seemed like you may have had a role in making sure Bloomberg didn't
3 mention the meeting.

4 A So I don't remember on that. To me that's not entirely clear if they're
5 simply not mentioning that in the story or if -- I mean, just to be blunt, I don't recall why I
6 would have any reason to make that effort to have something removed. I think that was
7 more passing on that it was no longer going to be brought up in the story possibly, but
8 just -- I don't recall any reason why I would have gone out of my way to try to have some
9 detail removed.

10 Q Okay. So on January the 6th, I want to move to the day of now.
11 If we could go to exhibit 48.

12 This is an email that John Eastman sent to Boris Epshteyn with letters from
13 Georgia and Arizona attached. And then Boris Epshteyn sent them to you. One is
14 called the Georgia Senator Ligon letter to POTUS, Arizona letter to Pence, and letter to VP
15 Block Electors.

16 Do you remember receiving this email and these letters from Boris on the morning
17 of January the 6th?

18 A I remember that there were the letters. I don't remember the specificity,
19 what exactly they said, but it sounds familiar.

20 Q Why did you need to have these letters?

21 A From what I recall, I remember that -- is it "Ligon" or "Leegon," or however
22 you say the gentleman's name. From what I recall, this was a letter from a State
23 legislator saying that based on -- something about based on evidence they had seen that
24 they thought it was worth having additional investigations for the State, and that that
25 might bolster efforts to say, at least with regard to Georgia, that even their own State

1 legislators are saying we need to ensure election integrity, we need to thoroughly vet
2 these concerns with fraud and irregularities. That's the best I can remember.

3 Q Do you remember what you did with these letters?

4 A Not off the top of my head I do not.

5 Q Now, earlier, you mentioned that you didn't think there's really any chance
6 of there being enough objections to move the needle on the Joint Session, and you didn't
7 think the Vice President was going to do anything to change the outcome.

8 So why at this point on January 6th, the morning of, were you receiving these I
9 suppose? To pass them around?

10 A I don't recall exactly, or maybe it was to answer media inquiries that were
11 coming in, that, obviously, I was still receiving. And as well, I don't remember to what
12 extent I necessarily communicated with everybody that at this moment that I just wanted
13 it over. That was definitely my mindset.

14 Q Go to exhibit no. 52, please. This is a document you provided ending in
15 13942. It's an email exchange between Ms. Christina Bobb, you, Mr. Epshteyn. I
16 believe that's everyone.

17 But if you go to the bottom, it looks like Ms. Bobb was drafting a series of tweets
18 about Wisconsin, Arizona, Georgia, Pennsylvania. And then you asked, Can you please
19 get me a Michigan tweet also?

20 Do you remember this on January the 6th?

21 A Not this particular exchange, no.

22 Q Do you know why Christina Bobb was drafting tweets about the various
23 legislatures on January the 6th?

24 A I don't remember. I don't know if somebody asked her to do that, or she
25 just did it or -- the short answer is I don't know.

1 Q Okay. It looks like just from reading this that this is a part of an effort to
2 blast out information about all of the battleground States for which there's alternate
3 electors, or for which alternate electors had sent in votes, and then you asked for a
4 Michigan one, too.

5 Why was it important that you add a Michigan tweet as well?

6 A And, again, I don't remember with a lot of clarity a lot of this, but knowing
7 that there were going to be as few as three, or as many as seven, State challenges and
8 the -- one of the easiest things to -- or the easiest, most defensible positions was to say
9 that even State legislators in those States had concerns about ensuring the ballot integrity
10 in those States, and that if we were to show some third-party validation of some of the
11 concerns being raised in Congress, that even if the efforts were going to be unsuccessful,
12 they could at least be defended by the fact that people in those respective States also
13 show those concerns.

14 BY [REDACTED]:

15 Q Real quick, Mr. Miller.

16 Can you go quickly back to exhibit 48?

17 As [REDACTED] mentioned, you can see at the bottom email, it's from John
18 Eastman to Mr. Epshteyn, and he sends, you know, the Georgia-Arizona document
19 attached.

20 Do you know what Mr. Eastman had to do with Georgia and Arizona?

21 A As far as those States specifically, I don't. I know, obviously, that he was
22 someone who's a big proponent of the January 6th -- I guess the constitutionality or the
23 constitutional challenges to January 6th. But as far as at the State specific level, I can't
24 speak to what his involvement was.

25 Q Okay. Because if you go up -- the letters, the one's a PDF. The other two

1 are documents. They're Word documents. And I'll represent to you there are later
2 versions of these that contain more signatures than what Eastman, I guess, sends on this
3 day.

4 So do you -- does that refresh your recollection or anything on what he could have
5 been doing in any of these States with respect to perhaps, like, the State legislators?

6 A No. I'm sorry. You would have to ask Mr. Eastman.

7 Q So you never heard that he was maybe working with some state legislators
8 and maybe encouraging investigations or anything like that?

9 A I didn't keep tabs on Mr. Eastman, so I'm sorry, I can't speak to what he was
10 up to.

11 Q Okay. Just real quick. Going back a bit, but there was that Cleta Mitchell
12 document that had your name on it. And you had mentioned that you found out about
13 it because someone from Capitol Hill called you and notified you about that. Is that
14 right?

15 A Yes. I remember there -- to be clear on this, I remember Cleta had
16 continually been pressing the campaign to take more action, to get out there and do
17 more. And I remember -- again, I don't know if at some point she had pushed certain
18 ideas or narratives or things that she wanted to get out there, but certainly, with regard
19 to that being distributed or something that was being sent out to Capitol Hill or that
20 nature, I never authorized that, never signed off on it, never read through the entire
21 document. That was something that I saw in its final form, and what was sent out when
22 Justin forwarded that to me.

23 Q Did you ever hear like how many people received that document in Capitol
24 Hill? And I'll say for Capitol Hill, are you referring to like Members of Congress or their
25 staff members?

1 A So the short answer is not exactly. I did ask, probably in a not particularly
2 polite tone, how many people that it had gone to. I think the response that I was given
3 was a handful, which wasn't exactly a specific number, a handful or a dozen, or something
4 of that nature. But I was -- needless to say, I was not happy about it.

5 Q Okay. And did you ever find out why she sent those documents to certain
6 people on Capitol Hill -- or sent that document, I should say?

7 A Yeah. She told me because the campaign is not moving fast enough, you
8 guys aren't getting the information out there, and people have questions, and they want
9 to get in there and fight. And if you weren't going to do it, then I was going to do it.

10 Q And so the document, if you recall -- and if not, we can bring it up, but it's
11 dated December 8th, which was, I think, the day of the Safe Harbor Day and before the
12 electoral college meeting. So I was just wondering if -- you know, this was before the
13 electoral college had had their meeting. So I don't know if you have any sense of why
14 she was sending it to people on Capitol Hill if the electoral college hadn't even met yet?

15 A I have long since stopped trying to figure out why Ms. Mitchell does the
16 things that she does.

17 [REDACTED] Okay. Understood.

18 Thank you.

19 [REDACTED] Quickly I would like to go to exhibit 53, please.

20 BY [REDACTED]:

21 Q This is an email that you first received from the White House Office of the
22 Vice President with Vice President Pence's statement from January 6th, the letter.

23 We don't see it here, but that's what it is. I'll represent that to you.

24 And then you forward that to Dan Scavino, and you have three exclamation
25 points.

1 It seems like you were surprised by this at the time. Is that accurate?

2 A Correct.

3 Q Why were you surprised? I mean, we talked earlier now about the Vice
4 President's position and the statement and people telling the President that the Vice
5 President wouldn't do this. So why was this surprising?

6 A Because it was in the middle of the President's speech.

7 Q Explain that.

8 A I mean, it was in the middle of the President's speech. So the President
9 was giving a speech about what his view of January 6th and the powers that are afforded
10 to the Vice President under the Electoral Count Act, and the Vice President sent that out
11 in the middle of the speech, which seemed to be a big giant middle finger.

12 Q So like a breach of protocol; something rude as opposed to the substance of
13 what the Vice President was saying?

14 A The exclamation marks were referring to the timing and the -- the timing and
15 certainty of what the Vice President would or would not be doing.

16 Q So to that point, is it your understanding that there had been a fissure in the
17 relationship between the President and the Vice President?

18 A I think we covered that pretty clearly with the conversation with The New
19 York Times story from the evening before.

20 Q Right. And we can go back to that, but just to be clear, at this point was the
21 President upset with the Vice President?

22 A Well, I don't know at which point the President found out about this email
23 statement that went out, and I can't speak to the President's mindset as he was in the
24 middle of his speech. But I had a pretty good sense of what his reaction would be when
25 he was alerted to it.

1 Q Do you have a good sense of that based on your interactions with the
2 President, or based on something he told you?

3 A Based on my interactions.

4 Q Your history of interactions, as opposed to something specific, to be clear?

5 A Correct.

6 [REDACTED]: Can you bear with us for just one moment, Mr. Miller?

7 The Witness. Sure.

8 [Pause.]

9 [REDACTED]. Thank you. Just a power cord issue.

10 BY [REDACTED]:

11 Q So the morning of the 6th -- I'm sorry. You sent this letter also to an
12 individual named Raheem Kassam, I believe at least as somebody who works with or
13 alongside Mr. Steve Bannon.

14 Do you remember doing that?

15 A I do not.

16 Q Do you know who that is, the person I just named?

17 A Yes, formerly a podcast cohost.

18 Q Had you discussed January 6th with Mr. Bannon?

19 A I don't recall talking about January 6th as far as the activities of the day, like,
20 it seemed -- well, let me back up.

21 As far as what obviously resulted and what January 6th turned out to be, I seem to
22 remember asking Steve if he had a sense of how many States were going to object.
23 When a report came out that morning, it was just with the total number of States all over
24 the map.

25 Q Okay. Now, the day before January 6th, on the 5th, he said in his show -- I

1 believe it was that date -- something to the effect of All hell is going to break loose
2 tomorrow. So many people said, Man, if I was a revolution, I would be in Washington,
3 and this is your time in history. He also said something to the effect of Now we're on
4 the point of attack tomorrow, and all I can say is strap in. You've made this happen.
5 Tomorrow it's game day.

6 Do you know what Mr. Bannon's expectations for January 6th were before
7 January 6th?

8 A I can't speak to his expectations or what he was thinking when he said those
9 words.

10 Q Did he ever tell you what his expectations were?

11 A I don't recall having a detailed conversation about it, but just in
12 conversations in passing since that time and the over a year ago that it was, it was as far
13 as the -- number one, obviously, just the size of the crowd at the rally; but, number two,
14 that this great evidence would be put forward and shown on Capitol Hill.

15 Q So he never explained to you anything about what he was referring to when
16 he said, All hell is going to break loose tomorrow?

17 A No. But in fairness to that, I don't remember necessarily being cognizant of
18 those remarks on the 5th when they happened. Obviously, since then, with media
19 coverage, I've heard it. But the 5th I wasn't exactly -- it wasn't exactly a tough day at the
20 office for me.

21 Q Did he tell you what he meant by those comments since then?

22 A I don't think I've asked for any specificity. I certainly didn't present it to
23 him, like, What did you mean with these comments? But I've, for example, seen him in
24 subsequent shows where he's talked about, obviously, his opposition to any types of
25 violence or things of that nature.

1 Q Right. And that's been his public comments. I was interested if he said
2 anything to you privately about what he meant by these comments, but it sounds like he
3 has not. Is that fair?

4 A No, and I didn't press.

5 [REDACTED] Okay.

6 BY [REDACTED]:

7 Q And just to go back to the exhibit that's on the screen, Mr. Miller, the one
8 with the three exclamation marks, do you see the timestamp on which the Vice
9 President's statement was sent to you, which I assume was a blast message that you were
10 on a mailing list, so sort of the world got it at the same time?

11 A Correct.

12 Q It's 12:53 p.m. Do you notice that as the timestamp on which it was sent?

13 A Yes.

14 Q Now, you indicated the President was still speaking. That's exactly right.
15 Do you know what time the Joint Session of Congress was scheduled to begin, was going
16 to be gaveled into session?

17 A Yes. That was at 1 o'clock. The President was running late with his
18 remarks. I've since been told by the Vice President's office, or people in that office, that
19 there was no intention of sticking it to the President, but they couldn't wait any longer
20 before going in to 1 o'clock. And they had preset, I believe, the blast and never went
21 back to think about it. But I'll let the Vice President's office speak to that.

22 But I found that out afterwards, but did not know that at the time.

23 Q Okay. So is it fair to say that this is sent -- the blast is sent, prearranged or
24 otherwise, just a few minutes, less than 10 minutes before the scheduled beginning of
25 the Joint Session?

1 A Correct.

2 Q And the Joint Session started promptly on time at 1 o'clock? Is that right?
3 Do you know that?

4 A I can't speak to whether or not it started on time, but I know the scheduled
5 time was 1 o'clock, and it seemed to get going right away.

6 Q Okay. Why did you send this to Mr. Scavino, as opposed to Mr. Meadows
7 or the President directly or anyone else in the White House?

8 A Because I knew that Dan would be with the President, and he usually had
9 better luck -- if the President needed to be alerted to something, Dan was usually quicker
10 than Chief Meadows or someone else.

11 Q Okay. You're sort of anticipating my question.

12 So was this sent to Mr. Scavino, in effect, because it was sort of the fastest way to
13 get it directly to the President as soon as he was available after the completion of his
14 speech?

15 A Correct.

16 Q Okay. And the statement itself is -- again, it was just declaring what Vice
17 President Pence had declared repeatedly, that he was going to go ahead and count the
18 certified electors, right? It was just sort of a confirmation of his position, not anything
19 that he hadn't said previously?

20 A If you would scroll down so I can read it? That description sounds about
21 right, but I haven't read this in some time.

22 Q I don't know if we actually have this statement -- oh, I guess we do, yeah.

23 This is the letter, the Dear Colleague letter, in which he basically declares what his
24 intention is for the Joint Session, which is no unilateral authority to either reject slates of
25 electors or to delay the count.

1 And my question is whether there was anything surprising to you in the substance
2 of his statement, or was it rather consistent with what you understood was his position
3 throughout the discussions leading up to January 6th?

4 A I think it was a surprise, both by the timing and just the bluntness of the
5 message. I think it's one thing to chat about it or have something related secondhand,
6 but it's another thing to see it in black and white like that.

7 Q Okay.

8 On the morning of January 6th, Mr. Miller, what was your expectation as to what
9 would happen at the Joint Session? I think you said before that the rally would be like
10 Elvis's last concert, that the Joint Session would occur, and that we could all move on.

11 Am I generally paraphrasing that collectively in terms of your expectations that
12 morning?

13 A Yes. But my main focus that morning was actually on my daughter's
14 birthday, and so, that was -- my daughter turned 4, so that was really kind of the main
15 focus that morning. So, I was trying to put on -- you know, play with all the balloons and
16 presents and all that stuff while kind of all this -- knowing that this looming 1 o'clock
17 deadline was coming up. And so I was a little more focused on my daughter.

18 Q Yeah, I appreciate the distraction and the prioritization. It's exactly correct.

19 Nonetheless, was it your expectation that this Joint Session would result in
20 President Biden being certified as the winner of the election, allowing you and the rest of
21 the campaign staff to move forward?

22 A Yes.

23 Q Okay. And I don't want to move ahead of something, but did you have any
24 information in advance about the expectation of violence or disruption at the Capitol?

25 A No, not at all.

1 Q At no time in the days leading up to January 6th did you get any information
2 from the Secret Service or otherwise that there was a risk of violence or intelligence
3 suggesting the possibility of violence?

4 A The only activity that I even was in kind of the discussion, the ether in the
5 public environment, was -- I want to say it was the Friday before, there was local news
6 reports about the Hotel Harrington, I believe, being kind of the Proud Boys or Oath
7 Keepers, or something ground zero. And there was talk about, similar to
8 December 12th -- I think there was a rally in D.C. on December 12th -- that there might
9 be -- basically when it got dark out, there might be activities between, like, the Proud
10 Boys and antifa.

11 But that was the only context of anything of any wrongdoing or violence. But,
12 again, that was what I just assumed would break out outside the Hotel Harrington and
13 nothing at all regarding the Capitol.

14 And to be clear, what happened at the Capitol that day is terrible and something
15 we can never allow to happen again in history.

16 Q Yeah, I appreciate that.

17 But it sounds like you had no intelligence provided to you or any warning that
18 there were concerns about the Joint Session being disrupted, violence at the Capitol,
19 anything along those lines?

20 A No, not in advance.

21 ██████████. Okay. That's all.

22 Thanks.

23 BY ██████████:

24 Q Let's walk through the day on January 6th. It sounds like you were home.
25 Did you ever go to the White House or the Ellipse that day?

1 A No.

2 Q Did you go to the Capitol?

3 A No.

4 Q Did you even go into Washington, D.C.?

5 A No.

6 Q All right. Did you talk to the President before his speech on the Ellipse?

7 A I talked to the President once or twice that morning. I know I had a
8 conversation with him about the Georgia elections from the night before, and then, I
9 think the follow-up conversation was him asking me about crowd size, and I think he
10 asked me to call Amy Kremer to ask what they were -- I think that was maybe another
11 request to call her to ask about crowd size, and just asked what I thought Mike Pence
12 might do. And then, I didn't speak with the President again until that evening.

13 Q What did you tell the President when he asked you what Mike Pence might
14 do?

15 A I'm trying to think, to the best of my memory, if I said anything different than
16 I would always say, which is, I just don't expect him to do anything different or to do
17 anything other than process. I don't remember exactly how I articulated it or shared it
18 with the President, but -- yeah, I just don't remember exactly the way that that
19 conversation happened.

20 BY [REDACTED]:

21 Q Before you move on from that, had you conveyed to him, Mr. Miller, the
22 displeasure that Marc Short had expressed the night before about his statement?

23 A I don't think that I -- I don't think that I shared that with the President.

24 Q I mean, obviously, the strong reaction that Mr. Short has to your statement
25 trying to rebut The New York Times article suggests the fissure as [REDACTED] said earlier.

1 Did you share that at all with the President the morning of January 6th, how the Vice
2 President was upset about our statement, you know, he disagreed with it, anything along
3 those lines, particularly when he asked you, What do you think Mike is going to do?

4 A I don't think I -- I don't think I said that. The President wasn't necessarily
5 the biggest fan of Marc Short's, and I like Marc. I think he's a decent guy. But I would
6 have found -- I think it's unlikely I would have proactively brought up Marc's name with
7 the President.

8 Q I'm just struggling to understand why, Mr. Miller, if your role is as his very
9 senior advisor and you've gotten information that the Chief of Staff of the Vice President,
10 presumably speaking for the Vice President, is really angry at the President for this
11 statement, why would you not convey that to him as something important that he would
12 likely want to know?

13 A Well, keep in mind, if we go back to the conversation between Marc and
14 myself, when I answered the phone, I don't think he even said, Hi. It was just, What's
15 the process for a statement going out where only two people are in the room? And I
16 mean, I -- from the best of my memory, it was a very brief phone call. And I could just
17 tell by his tone, the fact I don't think he even said hi, or anything of that nature, that he
18 was pretty upset with the statement. But I also didn't think that it would be helpful if,
19 say, the President lit into Marc Short or the Vice President just before the events were
20 kicking off at 1 o'clock.

21 [REDACTED]: Okay. Thank you.

22 BY [REDACTED]:

23 Q What was the President's reaction when you told him something to the
24 effect that you didn't expect the Vice President to actually change the outcome of the
25 Joint Session?

1 A For the morning of January 6th, I don't remember how strongly I had
2 conveyed that. I certainly conveyed it stronger in previous conversations. But specific
3 to the 6th, I was just looking forward to it all being over.

4 Q Did you get the impression that the President accepted the fact that the Vice
5 President wasn't going change the outcome of the Joint Session on January 6th?

6 A Sir, would you mind restating that?

7 Q Of course. And this is your impression that I'm asking for.

8 So was it your impression that the President accepted the fact that he wasn't
9 going to win at the Joint Session on January 6th?

10 A I don't think that the President viewed it with the same degree of finality
11 that I viewed it.

12 Q Do you think that there's still a chance in that conversation on January 6th
13 the President thought he could still see a second term?

14 A Again, that's one you would have to ask the President about his exact
15 mindset at that moment. But, again, I think my understanding of the approaching
16 finality was different from his understanding.

17 Q He had a call with the Vice President before the rally on the Ellipse
18 around 11:00 a.m. Do you know if your call with the President that morning was before
19 then?

20 A I seem to remember our calls being a little more on the early side, maybe in
21 the 7:30 or 8:30 ranges or maybe 8:00 and 9:00, something like that. To the best of my
22 memory, I thought that -- I seem to think they were both earlier than that.

23 I certainly do not remember the President saying that, Hey, I just got off the
24 phone with the Vice President or something of that nature.

25 Q Okay. Do you know how you connected with him there? Because I'll just

1 represent to you, we have switchboard logs that don't show a call to you that morning.

2 A I mean, it was by phone.

3 Q Was he using somebody else's phone that you're aware of? Did it come
4 through someone else?

5 A Again, when I called -- I mean, at that time there -- and there are two
6 numbers. There's the number -- there's the switchboard and then there's also -- I think
7 there was also -- it's, obviously, been awhile since I've called the White House. There's
8 like an upstairs switchboard or something that's more to the residence.

9 And, again, I do not believe I ever had a cell phone for the President while he was
10 President of the United States. Certainly did back previously, but it would have been
11 through -- it would have been through something of an official nature, because I wouldn't
12 have called a staffer necessarily to transfer me. I'm not sure if they even would have
13 been at the office yet.

14 Q Do you know if anybody else was on the call with you, like Mr. Scavino, or
15 Mr. Meadows?

16 A To the best of my memory, they were one-on-one conversations.

17 Q And you thought there was one that you had with the President that
18 morning, or two?

19 A I'm sorry. On the 6th, I seem to remember there being -- I'm pretty sure
20 there were two.

21 Q Do you remember something else happening that you haven't described
22 already in those calls?

23 A I'm trying to think through the 6th. Obviously, it was my daughter's
24 birthday. That was the day we talked about the Georgia elections, talked about the
25 crowd size, what's going to happen with Vice President Pence. That's what I remember.

1 Q Okay. All right. And we're going to get to the call that you had later that
2 day after the rally with the President.

3 Did you have any role in crafting his speech that he gave on the Ellipse?

4 A No.

5 Q Did you see it beforehand?

6 A It was sent to me, and I did not read it.

7 Q All right. Did you offer any suggestions about what he should say, even if
8 not in kind of the formal speechwriting avenue?

9 A I don't remember if I offered anything about it or if I -- I don't recall any
10 conversations with the team about what he should or shouldn't say. I just don't
11 remember.

12 But I know that when -- I know that when I got the speech, I believe that I
13 forwarded it on to -- because the typical protocol was when I would get the speech, there
14 was kind of -- usually one person in what we call the war room that would take clips and
15 kind of get little, essentially, tweets from the Trump campaign effectively to put out when
16 certain lines were delivered. There was a different person that would handle like the
17 Instagram and Facebook. And then typically I would flip it to the person who did the
18 tweets for the RNC as well just so they could amplify what he was saying by social media.

19 Q Do you remember that morning, in your conversations with the President,
20 suggesting, like, he should take a conciliatory tone or not an aggressive tone in his speech
21 that day?

22 A I don't remember. And, again, going to my mindset that morning, the fact
23 that I didn't read the speech was unusual for me, and I think it happened for a couple of
24 reasons: One, because I viewed it as kind of the -- maybe kind of the last supper, so to
25 speak; that here's the -- like I said, Elvis's last concert. But I did not view the rally at the

1 Ellipse as being particularly consequential. I thought everything for that day would be
2 focused on what happens when the voting starts -- or the counting of the votes start and
3 they had the breakout sessions and such.

4 [REDACTED]. All right. I would ask you to go to exhibit 54, please.

5 Q This is a tweet that you sent, or was sent from your account at 12:16 p.m. on
6 January the 6th. I think this is during the President's speech, and you quoted the
7 President, quote, "You'll never take back our country with weakness."

8 Why did you tweet this out from your account?

9 A I don't remember, is the short answer. I typically -- when I'm watching the
10 President's speech, I'll pull lines and tweet them out, and that was just kind of a pro
11 forma activity that I would do if I was watching the speech on TV, for example.

12 Q Okay. I guess I'd ask just a big-picture question, which is, you know, it
13 sounds like your work on the campaign and your look at some of the election fraud or
14 irregularity issues and your discussions with administration officials and Members of
15 Congress or their staffs was such that you didn't expect there to be a different outcome
16 on January 6th other than President Biden being certified as the winner of the election.

17 But I think people who came to that rally came with "Stop the Steal" signs and, as
18 we saw them at TheDonald.win, you know, expectations that some different outcome
19 could happen.

20 A So, respectfully, I would say that's a little bit of an unfair juxtaposition.

21 Q Okay.

22 A And what I mean by that is, look, I'm at home in my basketball shorts and a
23 T-shirt eating DoorDash and watching the President's speech, and there were plenty of
24 lines about the President's speech about everything that had been accomplished in his
25 administration, or the great things that have been done on the campaign. And I think

1 there's probably a little bit of a sense of pride of the excellent work that had been done.

2 And like I said, it was kind of par for the course, if there was a motivational-type
3 line, to go and tweet something like that out. So that was very much par for the course.

4 But, again, I viewed the rally at the Ellipse and the counting later to be just two
5 completely separate isolated events.

6 Q Okay. Did anybody ask you to send out this tweet, this line in particular,
7 during the President's speech?

8 A Not that I remember. That typically would not be the run of show.
9 Usually people didn't say -- ask me to go and do certain lines.

10 Q So, for example, Mr. Meadows didn't say, Hey, you need to send this out
11 right now, or anybody else for that matter?

12 A No. That would have been highly -- that would have been highly unusual.
13 I don't remember again. And, again, I was just sitting at home watching it on TV on my
14 couch.

15 Q All right. And when did you first learn that the attack on the Capitol was
16 happening, people were breaching security, and getting into the Capitol?

17 A So I had a couple of TV interviews that were scheduled for that afternoon,
18 which I expected would be, essentially, to happen in the middle of the breakout sessions
19 to talk about kind of what was going on. So I -- as I said before, I had my daughter's
20 birthday, hanging out at home, just watching everything on TV.

21 It wasn't until the President's speech was over that I actually went and shaved and
22 started getting ready to head in. So kind of in that stretch there -- I think the President
23 wrapped up maybe 1:20, 1:30, somewhere in that time frame. It wasn't until then that I
24 actually went and started to get ready to go to the campaign office, do the interviews.
25 So I was kind of -- I don't want to say out of pocket, but I wasn't watching the TV until,

1 you know, maybe quarter after 2:00, somewhere in that range.

2 And then, I think, maybe somewhere in that stretch, or once I was more complete,
3 I think I started getting some alerts or seeing things that there was some unruliness at the
4 Capitol. But I remember when I was first alerted, the images that were on TV were
5 telling a much different story than the unruliness -- or kind of the limited reports that
6 were coming through.

7 Q What was the different story they were telling? I'm sorry.

8 A Yeah. No, the images on TV, in particular Fox News where I was watching
9 it, was just a loop of people slowly walking through the Capitol as if -- they had flags
10 inside the Capitol, which, of course, seemed a little out of place. But the initial images
11 that were coming across just had people kind of walking in slow motion and strolling
12 through the Capitol, while there were some reports that were coming out on Twitter and
13 other things saying that there were conflicts and different things that were happening.
14 And it probably wasn't until, maybe, a half hour or 45 minutes later that some of those
15 violent images started to appear on TV, at which point, like most everybody, I think I was
16 pretty horrified.

17 Q Okay. And at 2:24 p.m., which is during the attack on the Capitol, the
18 President tweeted, quote, "Mike Pence didn't have the courage to do what should have
19 been done to protect our country and our Constitution, giving States a chance to certify a
20 corrected set of facts, not the fraudulent or inaccurate ones which they were asked to
21 previously certify. USA demands the truth."

22 Do you remember that tweet about Mike Pence during the attack on the Capitol?

23 A Yes.

24 Q Did you have any role in drafting, editing, or suggesting that tweet?

25 A No. Again, I spoke to the President twice earlier that morning and then not

1 again until the evening.

2 Q Do you know if Mr. Scavino had a role in that tweet?

3 A I do not know who, if anyone else, besides the President, had a role in that,
4 no.

5 Q Have you ever talked to anybody who worked in the White House about that
6 tweet, like Mr. Meadows, for example?

7 A Not about that tweet in particular. Just -- yeah, I just don't recall having
8 any conversations about that.

9 Q So you're a messaging person and a senior advisor to the President. What
10 did you first you think when you first saw that tweet?

11 A Not good.

12 Q Did you think that he needed to say something else, given the circumstances
13 and the attack on the Capitol?

14 A Well, keep in mind that at that point, right around there, I was -- as I
15 described, I was getting ready to head into -- I live in Arlington. The campaign office is in
16 Rosslyn, also in Arlington, so I had to be in Virginia, but the campaign office was about a
17 10-minute drive from my house, so I was getting ready to head in.

18 So as I said, the initial couple of reports were not nearly -- or differed from images
19 that I had seen on TV.

20 Q Understood.

21 So once you saw kind of the true nature of what was happening, did you ever
22 suggest to anybody that the President should put out a statement or a tweet addressing
23 the violence at the Capitol?

24 A I suggested two -- I believe I sent them to maybe Molly and Dan, two draft
25 tweets for the President to consider sending out.

1 Q All right. And we'll get to those in just a second.

2 Before we do that, though, very quickly, there's a video message that the
3 President issued around 4:17 that afternoon or evening. Do you know who was
4 involved in creating that video?

5 A My understanding is that Dan Scavino and Jared Kushner were with the
6 President; but as far as the exact mechanics of how that came together, I'm not entirely
7 sure.

8 Q Did you have any role in drafting a script for that video?

9 A I don't recall having any role for that. I know I tried to put a couple of
10 phone calls in to people at the White House, particularly when I had draft tweets, but
11 everyone's phones were run right to voicemail.

12 Q So you didn't talk to anybody in the White House during the attack on the
13 Capitol until you spoke to the President?

14 A That's -- well, yeah, not during the attack. That evening I spoke with both
15 Jared and Mark Meadows before I spoke with the President.

16 Q All right. Let's talk about that then.

17 What was your conversation with Mr. Kushner like?

18 A So I want to say it was in the 9 o'clock hour. And, obviously, seeing the
19 chaos of the day and understanding what the bigger ramifications were going to be, not
20 just for the President, but things like employment prospects for people who had worked
21 for the President, I basically just crawled into bed at 9 o'clock and just wanted the day to
22 be over.

23 But then I had this gnawing feeling that there needed to be a statement or some
24 aspect of finality when Joe Biden was declared formally the winner.

25 So I got out of bed, went out to the living room, called Jared and then called

1 Meadows and said, We've got to get a statement put together that makes it clear that
2 this race is over and we're going to have an orderly transition. And I told them both I
3 was going to call the President and work with him on a statement, and they said okay.

4 Q Do you remember anything that Jared said in particular during that phone
5 call with him?

6 A Something along the lines of, good idea.

7 Q Did he offer any insight into -- or his insights into what happened that day?

8 A Other than just general exasperation, no.

9 Q Was he upset by the attack on the Capitol?

10 A Everybody was upset by the attack on the Capitol.

11 Q All right. Did he think that it could be attributed to the President
12 somehow? Was he worried about that?

13 A I don't remember going into that level of detail. It was more of a
14 combination of me giving the -- me asking if anyone was doing what I was proposing and
15 then, just so it didn't seem like I was going around, basically letting them know I was
16 going to call the President and get this done.

17 Q Okay. Earlier you mentioned that you were kind of concerned about
18 employment prospects for people linked to the President in light of the attack on the
19 Capitol.

20 Were you worried about the attack being linked to the President?

21 A Not from a -- not that there was any actual causation or anything that the
22 President did, but for sure, that partisan adversaries, or the media, would say that the
23 President was somehow to blame for it and that that would extend to anyone who had
24 worked for him.

25 Q Or just the conduct of his supporters having a role in it could somehow be

1 attributed to everyone in the White House? Was that a concern of yours?

2 A I wouldn't get that granular in the thought process. I would say just much
3 more general.

4 Q All right. What about your conversation with Mr. Meadows that night?
5 What did he say about the attack on the Capitol?

6 A Again, it was -- I knew that we needed to move quick, and so, it was more of
7 just kind of letting him know I was going to make that call. And he said, Okay, good
8 idea. And, again, I wanted to make sure that he wasn't aware of someone else doing a
9 similar thing. So he said, Good idea, and then I called the President.

10 Q Do you remember him saying anything else during that call?

11 A Not during that call. It was very brief, from what I remember.

12 Q Did you talk to him earlier in the afternoon, or is that the first time you
13 talked to him after the attack on the Capitol?

14 A I don't recall. I seem to remember trying to reach out, but his phone being
15 off; same thing with Dan Scavino; same thing with pretty much anybody at the White
16 House.

17 BY [REDACTED]:

18 Q Yes, before you get to the call with the President, when you're about to call
19 him, are you trying to get a sense as to his frame of mind, him, the President, anything to
20 sort of prepare you for the conversation that you're about to have with him?

21 A No. I drafted a statement and then called up and was pretty direct that this
22 was what we had to do.

23 Q Did Mr. Meadows or Mr. Kushner give you any information about his mood,
24 about things he said, about his reaction to the attack on the Capitol?

25 A Not that I recall. It was, again -- keep in mind my mentality at that point.

1 I'm in bed. I just wanted the day to be over, pretty terrible day for the country, and
2 then realized that we had to have a statement ready to go that made it clear there would
3 be an orderly transition, and had a sense that no one else was doing anything. So I just
4 went into action.

5 Q I appreciate that, but I'm just, again, wondering whether you learned
6 anything during either of those two conversations with Mr. Kushner or Mr. Meadows
7 about the events that had transpired, what had happened at the White House over the
8 course of the day?

9 A Nothing that sticks in the memory. And, again, my phone calls were more
10 or less just to triple-check that nobody else was already doing on what I was planning on
11 doing, and then kind of telling them I was going to go do it since going to the President of
12 the United States and saying, We're going to go say something, without checking in with
13 his two top guys, I wanted to very briefly check those boxes.

14 Q Why, Mr. Miller, was it your sense that no one else was going to do this? I
15 mean, he had a press secretary. He had a Chief of Staff. He had his family members.
16 Tell me more what informed your view that no one else was going to do this, encourage
17 him to make such a statement?

18 A Just had this -- because if there was something that was in play, there
19 probably would have been some email sent out or some text message or something that
20 said, Hey, do we -- who's working on this or what's going on? There probably would
21 have been a little bit of an effort to get some group buy-in, but since it was radio silence,
22 then I correctly assumed that nobody was doing anything.

23 Q Did that surprise you?

24 A No.

25 Q Why not?

1 A It wasn't particularly the tightest-run operation.

2 Q Were there other instances where you felt like the lack of coordinating
3 statement or staffing of the President was a breach into which you needed to step?

4 A Nothing that comes to mind immediately, as far as specific examples. But
5 just over the course of the previous -- you know, whether that had been 6 months or so
6 or previous 6 months, or whatever the case had been since I returned to the orbit, I, on
7 numerous occasions, just realized that unless I was thinking of something or putting into
8 action, it wouldn't happen.

9 Q So did Mr. Meadows and Mr. Kushner confirm that nothing else was
10 happening; that neither they nor anybody else were preparing a statement to accept the
11 transfer the power and cooperate with the transition; that no one else had yet raised this
12 before you had?

13 A Mr. Meadows, I believe, said that Kayleigh had done some kind of briefing or
14 some kind of -- made a couple of remarks from the White House earlier that day. I don't
15 remember if I was aware of that at the time that I think he said it. But, clearly, anything
16 that had been done hadn't worked, and there was more that needed to be done as Joe
17 Biden was declared -- formally declared the winner.

18 Q All right. And this was at 9:00-something at night you get out of bed and
19 make these calls and talk to the President? Is that roughly around the time that this
20 occurs?

21 A Roughly, yes.

22 [REDACTED]. Okay. All right. Well, then you can go into that discussion and
23 sorry to interrupt you.

24 [REDACTED]. No. We are going to go into that.

25 But quickly, first, I would like to go to exhibit 55.

1 BY [REDACTED]:

2 Q This is a text message between -- a series of text message between you and
3 Kayleigh McEnany on January the 6th at 4:16 p.m.

4 And in this message, you say, "FYI, I'm pulling the plug on campaign bookings the
5 rest of today and tomorrow. We don't need political folks out there stirring the pot."

6 What did you mean by that?

7 A Meaning that on a day that was that chaotic -- and, obviously, the
8 ramifications would be pretty extensive -- that we didn't need political allies out there
9 trying to defend the President or take certain positions, or answer questions that they
10 didn't have any insight into. It would only make the situation worse.

11 Q What was the danger of having people going out there? And one of the
12 things you mentioned was defend the President.

13 A I don't know that danger is the appropriate word. I would just say that we
14 had a lot of unique supporters that sometimes would offer up ideas that hadn't fully been
15 vetted, or that weren't necessarily constructive.

16 [REDACTED]. Okay. If we can go to exhibit 56, please.

17 Q Earlier you had mentioned a couple of draft tweets that you may have sent
18 to a few others in the White House.

19 So this is a text message that was sent to Ms. McEnany, and I believe you also may
20 have sent these to Mark Meadows and Dan Scavino. It says, "Call me crazy, but ideas
21 for two tweets from POTUS.

22 One, Bad apples, likely antifa or other crazed leftist, infiltrated today's peaceful
23 protest over the fraudulent vote count. Violence is never acceptable. MAGA
24 supporters embrace our police and the rule of law and should leave the Capitol now.

25 On that proposed tweet specifically, why bring up the idea of antifa? This is

1 while the attack is still going on. Why even raise it?

2 A Because there's significant traffic on social media that was saying that that
3 was a possibility.

4 Q Was that the basis of a statement like this, though? I mean, did you have
5 any evidence from law enforcement or Secret Service or anybody to suggest that that's
6 true, other than what you saw on social media?

7 A My thoughts at that point were largely based off of social media.

8 Q Okay. And this seems, candidly, Mr. Miller, like purely a political
9 statement, as opposed to kind of a factual one for the reasons that we just discussed.
10 Why need to do that in a time like this?

11 A Well, I mean, you look at the rest of the tweet, I mean, I think I'm pretty
12 specific there. Violence is never acceptable. MAGA supporters embrace our police
13 and the rule of law and should leave the Capitol now.

14 Q Why not just propose that? Why do you have to, I guess, introduce the
15 idea of antifa, particularly in light of, you know, the message that we just looked at about
16 not stirring the pot with political folks making appearances?

17 A What was the time that I had sent that.

18 Q This is 4:29 p.m. to Ms. McEnany, and the other proposal was at 4:16. So
19 this was after the pulling the plug on the campaign briefings.

20 A And what time was the video put out from the President?

21 Q 4:17 roughly.

22 A To the best of my -- to the best of my memory, um -- to the best of my
23 memory, it was after seeing the video or seeing the tone that the President took in the
24 video, and I thought what I proposed there was something that might have a chance of
25 getting approved or even used.

1 Q Okay. And in that video that you just referenced the President did say, I
2 know your pain. I know you're hurt. We had an election that was stolen from us. It
3 was a landslide election. It was a fraudulent election. We love you. You know, go
4 home.

5 So along those lines, I mean, I could see why you would think that's consistent.
6 But I would also think, you know, when he says, We love you, we just had an election
7 stolen, he isn't talking to antifa. He's talking to at least what he thinks are his
8 supporters.

9 A Again, I saw the video, saw the tone the President was taking in the video.
10 My thought at the time was that this had the most likely chance of getting something out
11 the door, making it clear that violence is never acceptable, that we support and embrace
12 our police and the rule of law, and people should leave the Capitol now.

13 Q Okay. And we'll talk about the second one, the second proposal. But
14 these tweets never actually went out, right, to your knowledge?

15 A Correct.

16 Q Who said no?

17 A I don't know if I ever got a response.

18 Q Do you remember ever talking to Mr. Scavino or Mr. Meadows or
19 Ms. McEnany about these, other than just sending it their way?

20 A Not that I recall.

21 Q All right. The second tweet that's proposed here says, "The fake news
22 media who encouraged this summer's violent and radical riots are now trying to blame
23 peaceful and innocent MAGA supporters for violent actions. This isn't who we are.
24 Our people should head home and let the criminals suffer the consequences."

25 Again, this idea of kind of falsely blaming the President's supporters, I'll ask the

1 same question. Why do you think that that's necessary in the midst of the attack of the
2 Capitol actually happening then?

3 A Well, a couple of things here. Keep in mind that the -- it just -- it was just
4 unbelievable that people who were MAGA supporters would be engaging in violent
5 activities; that this -- it was just unconscionable that you could think that people who
6 supported the police officers, who supported law and order, who opposed the violence
7 we saw over the summer would be taking part in this.

8 That, coupled with a lot of the online reports saying there were bad apples who
9 were a part of this, it just didn't seem believable that Trump supporters would be doing
10 this. And, again, I wanted to try to get the message out people should head home.

1 [6:25 p.m.]

2 BY [REDACTED]:

3 Q Okay. And I don't want to have an argument with you. That's not my
4 intention at all. But, you know, you were referencing these social media suggestions
5 that others were involved in this, when, in fact, if you just watched what was going on on
6 TV, you see the red hats and the MAGA flags and everything else. I mean, that evidence
7 suggests the opposite, right?

8 And we know now from court pleadings and other things that some of the people
9 who've been charged and pleaded guilty in these cases related to the attack on the
10 Capitol did so, and they say they did so because they thought they were doing something
11 on behalf of this President.

12 A So, respectfully speaking, I think you're a little bit closer to it than I am, from
13 the aspect of having sat through hundreds or thousands of hours of this, so you might be
14 privy to more examples. Or, maybe, at that time, you were looking at it a little bit
15 different.

16 But, at that time, that's what I thought could possibly get approved, so I sent them
17 up and knew that, obviously, if it was going up through the White House, that there
18 would be -- if they had additional information or fact-check-type things, but thought that
19 possibly could get approved.

20 Q Okay. And I appreciate, you know, your answer here. We obviously have
21 to explore these issues, and, like I said, I don't mean to get into an argument with you
22 about this.

23 If we can get into exhibit 76, please.

24 Seventy-six, we're looking at a message to Mark Meadows on the 6th at 2100,
25 which is the top of page 5. So this is a text message that you sent to Mr. Meadows, 9:00

1 p.m., I believe. It says, "AP: GOP Sens. Loeffler, Daines, Braun shift, say they won't
2 object to Biden electors after pro-Trump attack on the Capitol."

3 At this time, were you still tracking the objections and what was going to happen
4 in the joint session?

5 A So what time was that at, again? I'm sorry.

6 Q 9:00 p.m.

7 A So, I mean, 9:00 p.m. was right around that time that I kind of started getting
8 mobilized on this statement, and I don't remember if it was a few minutes before or a few
9 minutes after. But, I mean, I was just sitting in bed watching TV, so I was tracking things,
10 yes.

11 Q Were you reporting back? I mean, was there, like, a goal of tracking the
12 objections still? Were you whipping the votes or in touch with people to make sure that
13 they still objected?

14 A Not at that point. I think that was more of just letting them know that even
15 the allies were effectively throwing in the towel and just wanting to move on.

16 Q All right.

17 And if we go to exhibit No. 57, page 5, towards the bottom, there's an entry for an
18 incoming call to the White House at 9:23 p.m. from you, Mr. Miller, from a phone ending
19 in [REDACTED]. Is that a cell phone that you used?

20 A No, that's my home landline.

21 Q I see. Okay.

22 So that's -- you're reaching out. You spoke to the President. It looks like it
23 lasted roughly 18 minutes. Can you describe what happened? And just walk us
24 through in as much detail as you can from beginning to end.

25 A Yeah. So I called up the President, and he sounded different. He was very

1 clearly -- he was very clearly impacted by what had happened on the day. It wasn't the
2 normal Presidential bravado, so to speak.

3 And, typically, I do a lot more listening than talking, but, on this call, I dove in and
4 said, "Mr. President, we have to get a statement out that makes it clear that there's going
5 to be an orderly transition. I've spoken with Jared and with Chief Meadows. Here's a
6 statement that I've drafted."

7 And, then, after about that point, he said, "Hold on, I have the First Lady here,"
8 and he put it on speaker. And I walked them through the need for us to get the
9 statement out.

10 The First Lady expressed shock and anger, and questions that she couldn't believe
11 that any Trump supporter, anyone who believed in this movement, would ever
12 participate in violent activity like this. And the President really didn't push back at all.
13 He, I think, maybe suggested a couple of tweaks, a couple of wordings tweaks.

14 And what I told him is that I was going to -- or, again, I think I may have spoken
15 with him more than once, but I don't remember how much on the tactics I got into, but
16 said that I was going to work with Dan to make sure that we got the statement out when
17 Biden was declared the winner.

18 And I don't remember if I told the President or not that I was going to call the
19 news bureaus and give them the statement, embargoed, in advance to ensure that it was
20 able to get out.

21 Q All right. There's a lot there that I'd like to explore with you.

22 On the statement that you were working on, though, was that a written statement
23 that went out from the President after the joint session had concluded?

24 A It ultimately went out from Dan Scavino's personal account, I believe, over a
25 couple of different tweets, because they had turned off the President's Twitter account.

1 Q Was he a part of that call, Dan Scavino?

2 A Dan was not. I then called Dan after I spoke with the President and the
3 First Lady to let him know what the game plan was.

4 Q The President also did a video the next day. Did you talk to him about what
5 he would say in the video?

6 A I don't remember -- I don't remember my communications specific to that
7 video the day afterward.

8 Q All right.

9 You said he sounded different. Could you be a little bit more precise on that?

10 A And, to the best I can, it was a -- typically, most of my conversations with the
11 President, he would do the majority of the talking. But it seemed that he was very
12 genuinely shook, as far as for what had happened that day and what we had all
13 witnessed.

14 Q Did he say anything that suggested he acknowledged that his speech
15 could've had a role in the events of January 6th?

16 A The only thing about his speech that I recall is him saying something along
17 the lines of -- I mean, I even said "peacefully" and "patriotically." That's not -- you know,
18 "Can you believe that the media is trying to say that" -- I don't remember if it was "I" or
19 "we" or what exactly the language was -- "had something to do with this?" He was
20 adamant that he never stressed anything other than "peacefully" and "patriotically" and
21 that our supporters would never do something like this.

22 Q Did he tell you that he had asked about marching to the Capitol that day?

23 A I don't remember -- again, this was very much me doing most of the talking
24 and saying, "Mr. President, here's what we need to do. Here's the statement. Let's do
25 it." This was not a -- this was not a time for, say, reflection or inner feelings or

1 something of that. This was me saying, essentially, "Here's what I'm going to do. Do I
2 have your blessing to put your name on this statement that we have to have?"

3 Q Did he say anything about how, kind of, the public comments about fraud in
4 the election and the election being stolen and "Vice President, you have the power to do
5 this" had any role in the events of January 6th?

6 A There were no comments or no aspect of the conversation that went
7 into -- it was very much a, what should we do here, what do we need to do? And I had
8 the statement; said, this is why -- this is what we ought to say and why.

9 Q Okay. And I'm just going to just ask some specific questions to see if
10 anything else comes loose, because this was an 18-minute call here.

11 Did he say anything about the Vice President and the Vice President's actions that
12 day?

13 A Not that I recall.

14 Q And I do want to go back to the earlier call you had with the President that
15 morning, because it's understood that he told the Vice President that day, essentially, if
16 you don't do this, you're not strong enough, you're not the man I picked to be President,
17 you lack the courage to do that.

18 Did he ever express those sentiments to you in your conversations with the
19 President, either on the 6th or otherwise?

20 A I mean, there were general comments about how strong Mike would be,
21 would he be strong or would he be weak, but nothing as detailed as what you just listed.

22 Q Do you remember what he said specifically about that?

23 A Just that at various points questioning, is Mike going to be strong or is he
24 going to be weak on this, or where is he going to be, but not as extensive as you laid out.

25 Q And those comments about the Vice President being strong or weak, those

1 were specifically with respect to his role in January 6th as the president of the Senate. Is
2 that correct?

3 A Correct.

4 Q At that point, when you had this conversation with the President that night,
5 starting at 9:23, the Senate had opened back up. They're in session. Senators are
6 talking. Lindsey Graham made a statement; I can't remember exactly where that fell.

7 But did you talk to the President about what the Senators were saying on the floor
8 in the joint session?

9 A In that conversation at 9:23 or whenever it was?

10 Q Yes.

11 A Not that I recall.

12 Q How about after that, maybe the next day or in the days afterwards?

13 A Boy, a lot of it was really a blur during that, kind of, that 24-, 36-hour stretch.

14 Q Okay.

15 While we're on this, before I turn it over really quickly, though, a lot of people had
16 very strong statements. You know, Representative McCarthy came out and placed
17 blame for the events of January 6th at the President's feet. Senator McConnell, I think,
18 made some at least comments to that effect. Lindsey Graham made some comments to
19 that effect or at least that he wasn't going to be objecting anymore because of the events
20 of January 6th during the joint session.

21 Did you ever talk to the President about those types of statements that were
22 coming out and, kind of, reflecting on him as the President and what he did on January
23 6th?

24 A Again, the -- I think the operative word there is "reflective," or "reflected."
25 And I don't recall having a conversation that really got into a reflective-type mindset

1 about that day.

2 Q Did he ever express to you that he was upset by the comments that Leader
3 McCarthy or Lindsey Graham or anybody else made about him and the events of January
4 6th?

5 A I don't remember him ever bringing up McCarthy with me. At some point
6 later on, I know he complained about Lindsey Graham. But he would often complain
7 about Lindsey Graham when he would do, kind of, his back-and-forth thing.

8 Q Do you remember what his complaints were, related to January 6th?

9 A Words just of exasperation, like, "What is Lindsey doing here?"

10 [REDACTED]: Anybody have questions about --

11 [REDACTED]: Yes.

12 BY [REDACTED]:

13 Q So the conversations with the President, where exactly were you? Were
14 you in your house? Were you in your living room? Where in your house were you?

15 A Yeah. Downstairs basement office.

16 Q By yourself?

17 A Correct.

18 Q Were you speaking on a cell phone?

19 A Landline.

20 Q I'm sorry. You mentioned that before, your home landline. And do you
21 know where the President was in the White House?

22 A I believe he was in the residence. I don't know if that was explicitly stated.
23 But he was with the First Lady, so I assume it must be in the residence.

24 Q Okay. How did you open the call? What did you say?

25 A Oh, boy. That's probably a level of specificity that I don't remember

1 exactly. I know what I went into initially, which was just, "We've got to get a statement
2 out to make it clear that there's going to be an orderly transition." And I think I tried to
3 skip past any of the small talk.

4 Q Was there any small talk?

5 A That's what I'm saying, my goal is to just get past it and get right to what I
6 had to say and how we had to get the statement out, talk about an orderly transition.
7 And I got to it pretty quick.

8 Q Okay. And what was his reaction when you started talking about the
9 statement, the need to get a statement out?

10 A Yeah. As I said previously, there was no pushback. I think the President
11 was pretty clearly shook by the events that had transpired on that day. And he knew
12 that this was -- he knew that this was going to change things, that -- you could just tell
13 that he understood the gravity of the situation. That's a better way to describe it. It
14 was clear from his tone, his approach, he understood the gravity.

15 Q What did he say that suggested he understood the gravity? I'm trying to
16 get as much of your recollection of his exact words as possible.

17 A It was something to the effect of, what do we need to do here, or what do
18 we do? And that was not a typical -- that was not a typical, say, run of show for our
19 conversations when we were facing a challenging news cycle, big or small, over the two
20 campaigns of working together.

21 Q Uh-huh. Did he say anything about what had occurred, of the events at the
22 Capitol?

23 A Again, not that I recall. I went right to, "We have to get this -- here's the
24 statement I want to do. Here's the reason why I picked these specific words. And I
25 want to get your signoff here."

1 Q Do you recall him saying anything about his impressions of what happened,
2 of who was involved, of how bad it was, anything about, again, looking backwards at the
3 events of day?

4 A Just that it had been terrible. Why would anybody do this? I mean, this
5 isn't something that we would support or that -- it's not something that we would tell
6 people to do. This can't be our people who would actually be out doing this. I mean,
7 we love the police. We support love and order. That's what Democrats do, all this.

8 Q Did he say anything about that this was antifa or this was people planted in
9 the crowd or anything along those lines in that conversation, express that view that you
10 indicated had been on social media?

11 A I don't remember -- I don't remember him specifically bringing up antifa.

12 Q Did he suggest that it wasn't his people, or it was other people who were
13 responsible for this, not his people?

14 A I think he raised just the general concern about how could this happen, more
15 of a rhetorical question.

16 But, again, it wasn't something that I was spending time on. I said, let's go
17 through this statement, and I need to get this approved so we can get it out to news
18 bureaus, and we have to make it clear to people that we're going to go have an orderly
19 transition.

20 And, look, this was -- I think this was critical that -- I think it's critical that I did this.
21 I think it's critical that especially those words, "orderly transition," were used. I think
22 without this statement it would not have been -- there, I mean, just quite frankly,
23 wouldn't have been a clear, unequivocal statement saying that this was done, this is over,
24 Joe Biden's the President.

25 Q Did he ask you any questions about your information about what had

1 occurred that day?

2 A No. No. This was about -- this was about me saying, here's why we need
3 to do a statement, here's what it should say, and I need your signoff.

4 Q Did he reference that he had spoken to anyone else over the course of the
5 day, learned anything from anyone else?

6 A Not that I recall. Again, this was -- we opened up and I went into,
7 "Mr. President, we need to get a statement out the door, and we need to put this to
8 rest."

9 Q And you said at some point he put it on speaker and the First Lady joined?

10 A Correct.

11 Q What prompted -- do you remember what specifically you or he said that
12 prompted him to broaden the conversation to include her?

13 A He said, "Here comes our great First Lady," and then he put it on speaker.

14 Q And if she were just entering the room?

15 A Or walking within earshot or something of that nature, correct.

16 Q All right. What did she say? Anything at all that you remember that she
17 expressed on the call?

18 A Yeah, just as what I'd previously said, that she was also very shaken by what
19 had happened and just saying -- just stated disbelief, that this was terrible. "This isn't
20 something that we believe in. We oppose everything that happened. We're the party
21 of law and order. This is terrible."

22 I think something to the fact of, "They're going to try to say that our people were
23 responsible for this. And nobody I know who's a supporter of" -- I think she said
24 "Donald" -- "would ever think that this was okay." Something along the lines of, "This
25 can't be happening," or, "How could this be happening? This is against everything we

1 believe in."

2 Q When you started talking about the statement, did he make any specific
3 requests or changes to the statement that you had drafted? Did he have it with him,
4 the statement that you had drafted?

5 A I was reading it. Typically, the way we would do it is that I would read
6 something over the phone and he would repeat back specific sentences and go through
7 it.

8 So I know that he -- he and, I think, the First Lady even had a couple of words, but
9 I don't remember who suggested what words. So there were a couple of changes to the
10 statement, but the main gist of it that went out was pretty close to what I'd written
11 initially.

12 Q All right. Do you remember anything in particular about the changes that
13 he or the First Lady suggested?

14 A Not in particular.

15 Q Did he want for something in particular to be included that you had not
16 included, some particular word or phrase or language?

17 A I don't remember.

18 Q Did he disagree with something that you had put in the statement, some
19 particular word or phrase that he did not want included?

20 A I'd say just that he wanted to say "peaceful transition," and I said, "That
21 ship's kind of already sailed, so we're going to say 'orderly transition.'" That was about
22 the extent of disagreement or pushback from the conversation.

23 Q Did he want to say anything again about fraud in the election or about the
24 election being stolen?

25 A I don't recall. It was -- I know that the 18 minutes might seem like a long

1 time, but, as we were going through, I mean, it was pretty -- there wasn't -- again, it
2 wasn't a reflective call. It wasn't a -- you know, it wasn't, like, a big picture. This is a
3 more tactical-driven, we have to make it clear that there's going to be an orderly
4 transition, make it clear that people understood, again, as we looked ahead to the next
5 day, that this was over, this was done.

6 Q Was there any discussion of the word "concede," whether he was going to
7 concede, whether he was going to say that, whether he was going to say "President
8 Biden," anything along those lines?

9 A I do not believe -- I don't think that I suggested that, just knowing the
10 reaction I had gotten in previous weeks. So I think I went right to -- and, again, I thought
11 "orderly transition" made it very clear that he was going to be leaving.

12 That was one other thing that I said, was that part of the reason we need to say
13 "orderly transition" is there are reporters out there -- I think even Nancy Pelosi said, he's
14 not going to leave, we're going to have to send in the National Guard to throw him out.
15 I think there were some commentary along that lines during the afternoon or the
16 evening. And that's, again, why I said "orderly transition."

17 And I remember the President said, "I mean, these guys really think that I'm not
18 going to leave on the 20th?" And I go, "Again, that's why we have to say 'orderly
19 transition,' so it's clear that you're leaving." And he goes, "That's just crazy talk. Why
20 would I stay here after the 20th, or after noon on the 20th? That's crazy." And I go,
21 "That's why we've got to make it perfectly clear."

22 Q Anything else like that that you had to confront him with that other people
23 were saying or explain why you had put certain things in the statement?

24 A That's, at the moment, the best I can do.

25 Q Was there a discussion about anything else that would facilitate an orderly

1 transition beyond this statement, like hosting President Biden, the President-elect, at the
2 White House or attending his inauguration or anything else along those lines?

3 A No. I was: Get in, get out. Get the statement approved. Get it to the
4 bureau chiefs. Talk to Dan about how we're going to distribute it. And we deal with
5 the rest later.

6 Q So, at the end of call, did you have his explicit signoff on the statement that
7 he had orally -- that you had orally read him and he had tinkered with and approved?

8 A Obviously I had his complete and total signoff to the statement. I believe it
9 was just the -- I think it was just the one call. I don't remember if we had a followup.
10 But once I had the signoff and the complete approval, then I just want to be done and go
11 get the -- take care of the statement.

12 Q Right. So, when you hung up, you understood that you were clear to go
13 ahead and work with Dan to get this out, and out, like, that night, out immediately?

14 A So what we decide to do -- we had a small discussion with myself and Dan
15 and I think possibly even Jared about whether it would go out when it crossed 270 or
16 when the counting was done. And I wanted to do it when it hit 270. Jared said, "Wait
17 till the counting is done." And then Jared said, "Look, let's do this. Get the statement
18 out to all the news folks now, so that way they have it, but wait to go and put out the
19 statement until they're done counting completely."

20 Q I see. So you're going to get it out to them in advance of the threshold of
21 270 or the counting is done, but embargoed, for release upon that circumstance
22 occurring.

23 A Correct.

24 Q That was the plan, and the President agreed to that plan when you hung up
25 the phone with him?

1 A I don't remember going through to that level of detail. I think that the
2 President said, "When are you going to put it out?" And I said, "When it's official that
3 it's" -- essentially, "When it's official." I don't remember if I delineated between 270 or
4 all votes being tabulated.

5 Q Okay. All right.

6 And I don't mean to belabor this, but anything else that you recall about the
7 conversation with the President, that 18-minute call that night?

8 A No.

9 Q Okay.

10 [REDACTED] I'm sorry. Keep going.

11 BY [REDACTED]:

12 Q I do want to address the statement.

13 So Mr. Scavino tweeted on early morning, January the 7th, said, "Statement from
14 President Donald J. Trump on the electoral certification: 'Even though I totally disagree
15 with the outcome of the election, and the facts bear me out, nevertheless there will be an
16 orderly transition on January 20th. I have always said we would continue our fight to
17 ensure that only legal votes were counted. While this represents the end of the
18 greatest first term in presidential history, it's only the beginning of our fight to Make
19 America Great Again!"

20 Is that the statement that you're talking about?

21 A That sounds right. Yes.

22 Q Okay.

23 Now, in here, it does talk a little bit about the election and fraud in the election.
24 Specifically, he says, "Even though I totally disagree with the outcome of the election, and
25 the facts bear me out."

1 Did he suggest any of that language?

2 A Again, I don't remember the exact points of which phrases he wanted in
3 there and, kind of, how that all came together. "And the facts bear me out" doesn't
4 sound like a phrase that I typically use. But, again, I wasn't taking notes on, say, here is
5 this version, here's that version. It was just, okay, make the changes, and get it
6 approved.

7 Q Did anybody make any changes to the statement after your conversation
8 with the President when he signed off on it?

9 A When the President signed off, I believe that was the final version. I -- he
10 was -- once I'd had a final signoff, I wouldn't have changed something without going back
11 to him and getting approval.

12 Q Okay.

13 [REDACTED]. All right. Just from a procedural perspective, I think we have
14 about 45 minutes. Is that okay on your end, Mr. Miller and Mr. Muyskens?

15 Mr. Muyskens. Sure, if I can take a 5-minute break to use the restroom?

16 [REDACTED]. Of course. That's why I raised it. We've going for a while.

17 Mr. Muyskens. Yep.

18 [REDACTED]. All right. We'll go off the record and come back around 6:57, 58,
19 sometime around then.

20 Mr. Muyskens. Thank you.

21 [Recess.]

22 [REDACTED]. It is 6:57. And this is a continuation of the deposition of Mr. Jason
23 Miller.

24 BY [REDACTED]:

25 Q If you can go to exhibit 76, please, particularly page 6. And this is a text on

1 January the 8th at 9:25 in the morning.

2 This is a text in a chat that looks like it's with you, Mr. Meadows, Mr. Scavino, and
3 Mr. Kushner, where you send to Mr. Meadows a report about comments that Alyssa
4 Farah had made, and you say, "Suboptimal."

5 I don't know if you can read that. There we go.

6 But after the link, it says -- it looks like a transcript.

7 "BERMAN: can i just ask you to be declarative about this. will you say that the
8 president of the united states donald j. trump lied to the american people?

9 FARAH: he did on the election and we -- people around him know better. we know
10 that the results were not going to be overturned. we knew that it was a stunt to carry this
11 on for days longer. and i have to commend my former boss vice president pence who is a
12 man of conviction and just the highest level of integrity. he did what his constitutional
13 duty was. he wasn't going to rewrite the constitution to get the outcome that he
14 wanted."

15 So my question is, why did you send this and say "suboptimal"?

16 A Just that she was someone who was a former White House official that was
17 out popping off, and the CNN people were treating her as if she was a senior person and
18 giving her a lot of attention.

19 Q And "popping off," do you mean it was just -- it's not going to be helpful for
20 the President? Did you disagree with the content of what she said in that text?

21 A I just didn't think that she needed, as a former White House person, needed
22 to be out there saying anything or throwing gasoline on the fire at a time when we're
23 obviously all in the aftermath of what happened on January 6th.

24 Q And do you disagree with the content of what she said?

25 A I mean, I'm just not a big fan of Ms. Farah, so I don't necessarily put a lot of

1 stock into what she says. I mean, she wasn't someone who was inner circle. And my
2 understanding was that she got bounced out of the White House after a crazy drunken
3 night at The Bombay Club. I don't know, I'm just not a -- not a particularly big fan of
4 hers. I just -- I'm kind of nails-on-a-chalkboard anytime I hear her name.

5 Q Okay. And regardless of what you think of Ms. Farah, I mean, you said
6 "suboptimal," and the content of what she said is listed there. So did you disagree with
7 what she said, apart from your like or dislike of Ms. Farah?

8 A Well, let me go and read through her statement again.

9 Well, she's saying there that the President lied about the election.

10 "People around him know better," I think I've addressed that a number of times
11 today.

12 I think that with regard to "We know that the results were not going to be
13 overturned," I think that there were -- I think most people thought it was highly
14 unlikely -- and when I say "highly unlikely," I think I threw out the 95 percent
15 unlikely -- but that there were certain legal procedures that they still wanted to pursue.

16 But disagree only on this point about "stunt to carry this on for days longer." I
17 don't know what she's talking about there.

18 Q Okay. So you disagree with her on that, the "stunt to carry this on for days
19 longer" and her characterization of that. Is that right?

20 A Yeah. That -- I mean, the President's in office until noon on the 20th. So,
21 I mean, I don't know what she expected, the President to just pack up and leave early? I
22 don't know. Her -- she's terrible.

23 Yeah. I like Mike Pence. I guess I'd agree with what she said there. I
24 like -- just in general, I think Mike Pence is a stand-up guy.

25 Q All right.

1 In exhibit 58, this is a text message from you to Ms. McEnany and Judd Deere.

2 And in it -- to be clear, this is on January the 9th at 9:42 a.m. -- you say, "I just spoke to
3 POTUS." You listed off a couple things that you apparently spoke to him about.

4 But you add that "invariably, we'll get asked about the rally, Capitol violence, but
5 we all know how to answer that -- echoing the President's comments and pivot away."
6 And you say, "We do not want to be out there talking election fraud, recounts, or
7 anything related to that." And, "Can you tell bookers that this is not something we'll be
8 bringing up."

9 So why was it important to the President or you or both that people not be out
10 there talking election fraud, recounts, or anything related to that?

11 A Because once we put out the "orderly transition" statement, we didn't want
12 to look backwards.

13 Q And talking about election fraud and recounts and all of that would be
14 looking backwards?

15 A Correct.

16 Q And why need to pivot away from discussions about the rally or Capitol
17 violence?

18 A Well, there was going to be a limited amount of time that the President had
19 left in office, and it's important to try to take advantage of some of those days to push
20 messages that were more positive than, obviously, the endless loop of January 6th
21 footage that was playing on TV.

22 Q All right.

23 If we can go to exhibit 59, this is a text message conversation with you, Ms.
24 McEnany, Mr. Ben Williamson -- I think that's everyone.

25 And in there, you say, "Kayleigh, Ben -- POTUS has agreed to take the White House

1 flag down to half-staff in honor of the officer (and potentially officers, as a second death
2 is being reported), who died in the Capitol attack. He was adamant that we not do a
3 press release or a big PR push. It will get noticed. It will get reported on. We want to
4 make clear nobody is a stronger supporter of law enforcement than President Trump but
5 we don't want to blast it out. I spoke with Chief Meadows who asked me to relay this to
6 you both and he's taking care of calling Tony Ornato. Thanks."

7 So, in your conversation with the President that you referenced, tell us about this
8 conversation about the flag going down to half-staff in honor of the Capitol Police
9 officers.

10 A My recollection was that the Capitol flag had already been taken down to
11 half-mast in honor of the officer but that the White House had not yet, and so I called up
12 to make a push to the President to make it happen.

13 Q To do it out of respect for the officer or to make sure that there wasn't a
14 disagreement, apparent disagreement, between the White House and the Capitol?

15 A I don't know if I ever differentiated between the two, but said we need to
16 take it down to half-staff.

17 Q You say that "he was adamant that we not do a press release or a big PR
18 push. It will get noticed. It will get reported on. And we want to make it clear
19 nobody is a stronger supporter" -- so why was he adamant that you not do a press release
20 about it?

21 A I think that his thought at the time was it would just draw more attention
22 to -- again, not knowing all the details about the officer's unfortunate and early demise,
23 of what the circumstances were around that, and it would draw more attention to that if
24 we put out a press release or tried to make it a political issue.

25 Q What kind of attention are you talking about?

1 A Didn't elaborate or go into more detail. But he -- I was able to get him to
2 take the flag down to half-staff, and he said, "Fine, but don't make a big PR push with it."

3 Q And you talked about, kind of, the circumstances of the officer's death.
4 Was that something the President was thinking about?

5 A I do not remember that being brought up at our conversation.

6 Q Was he concerned about those deaths somehow being attributable to his
7 supporters?

8 A I don't remember him explicitly stating that, but that was something that I
9 know many of his allies were definitely concerned about, myself included.

10 Q What other allies besides you were concerned about that?

11 A I mean, almost everybody who I spoke with was concerned about what,
12 ultimately, would be the bigger ramifications coming out of this.

13 And keep in mind that, literally, within that same day, there was already talk on
14 the television or in the newspapers about impeachment, about lawsuits, legal matters,
15 and they knew that this was something that was going to be going on for quite a while.

16 Q All right.

17 If we can go to exhibit 76, the very last page, this is going to be a text message
18 that you sent to Mr. Meadows on January the 13th at 9:16.

19 And in it you say, "I tried to walk the President through this earlier but he won't
20 have any of it. 2/3 of the MAGA base wants us to move on." And then it looks like you
21 give some responses to polling questions.

22 Tell us about the conversation you had with the President that day about the
23 election and results of the election.

24 A And which day was that?

25 Q This was January 13th.

1 A January 13th, was that a Tuesday?

2 Q I think a Wednesday.

3 A Oh, sorry. Wednesday.

4 I don't remember why I brought up this particular detail from the poll that we did
5 over that weekend. Obviously, I'm cutting and pasting the language, but I don't
6 remember why specifically I brought it up.

7 Q What did he say that made you think he won't have any of this idea that the
8 MAGA base wants to move on -- or two-thirds of the MAGA base, to be fair?

9 A Specific to this text and my cutting and pasting and sending it, I just don't
10 remember exactly. But, clearly, would've been something or some reason why I decided
11 to go and bring this up with him.

12 Q In your conversations with the President after January the 6th, did you
13 advise him to stop talking about fraud in the election, just like you kind of advised the
14 group in the text before?

15 A Yes.

16 Q And it seems like, here, he didn't want any of it or have any of it. Did he
17 push back on your suggestions?

18 A Again, I don't remember this specific phone call, but, obviously, I was not
19 ultimately successful in ending all talk about the 2020 election.

20 Q And I'm sorry, I missed part of that. I really apologize. You're saying you
21 were not successful in that advice?

22 A Not entirely, no.

23 Q All right.

24 [REDACTED]. Anything on the areas we just covered?

25 [REDACTED]. No, thanks.

1 ██████████. All right.

2 So we do want to talk a little bit about the media strategy post-certification, so
3 after December 14th, in States like Arizona, Pennsylvania, Georgia, and Michigan.

4 ██████████, do you want to start, pick up here?

5 ██████████. Sure.

6 BY ██████████:

7 Q So, Mr. Miller, if you don't mind, we're going to go back in time a bit to
8 December. Do you recall some ads that the campaign put out towards the end of
9 December, early January, related to election fraud?

10 A I remember that we had ads that called on legislatures to investigate
11 concerns with fraud and irregularities to ensure that the elections were conducted in the
12 correct way so people would all have confidence in them, something along those lines.

13 Q Okay. So tell us a little bit what you remember about why you did those
14 ads.

15 A There was an effort in December to have the State legislatures -- actually,
16 maybe it was November and December -- have the legislatures call special sessions to
17 investigate and thoroughly vet some of these different concerns that were coming up.

18 And my attitude toward it was that we need to make sure that people have full
19 confidence in the elections and that these legislatures should go and investigate some of
20 these rampant reports that were going around to get to the bottom of it, to say
21 definitively if there was or was not any wrongdoing.

22 Q Was it anyone in particular's idea to have these ads?

23 A I don't remember where it originated from, if it was the President or
24 somebody else on the team. But I know that the goal, the intention, was to get the
25 State legislature to act, as far as going and investigating some of these concerns that had

1 been raised.

2 Q Okay. In which States do you recall was there these ads?

3 A To the best I can remember, Michigan, Arizona, Georgia, Pennsylvania. I
4 think that's -- and maybe Wisconsin.

5 Q And you said you're not sure if it was President Trump's idea or not. Do
6 you recall discussing the idea of having ads with President Trump?

7 A For sure, yeah. Before there were any expenditures like that, would've
8 gotten approval on the ads, as well as, essentially, the expenditure amount, maybe not
9 down to the penny, but just the broad range of what would be spent.

10 Q And we can show you some emails where you represent that you've talked
11 to POTUS and provide feedback. But if you could just give us maybe a general
12 description of how you'd go about your process with working with the President if you
13 had an idea for an ad. Like, would you want to have a script first before you went to
14 President Trump or talk to him first about ideas?

15 A Typically, the way something like that would work would be the
16 President -- either the President would suggest or someone else would suggest the idea
17 of doing ads or doing an ad. Get thoughts from the President. Convey those thoughts
18 to the ad writers. They'd go and put something together. Run it by research and legal
19 before it's produced and then presented to the President. And then he would offer
20 feedback.

21 Q And do you recall, was Newt Gingrich a part of this process with respect to,
22 like, December to January?

23 A I don't remember Newt -- I know you showed me one email previously that
24 Newt was on. I don't remember the -- I think was in the immediate aftermath of the
25 election. But I don't remember Newt being actively involved. I don't know if at a

1 certain point anything was shared with him. I just -- I don't have vivid recollection of his
2 participation in things during that time period.

3 Q Do you recall with these ads, was the Giuliani team involved at all or pushing
4 the idea of doing ads in specific, you know, States?

5 A I know that they're definitely supportive. I don't remember if they were
6 the originators of the idea or simply on board, but they definitely were fully supportive of
7 the effort, as I think a lot of people wanted to see a special session from the legislature.

8 Again, if we were going to say that this election was completely done and
9 completely over and have people be confident in it, then we needed to make sure that
10 there was a strong degree of vetting.

11 Q So, as you recall, the idea behind the ads was to highlight what could've
12 been potentially, like, irregularities in certain States and try to get legislators who have
13 the power potentially to call a special session to get them in and to look into it?

14 A So it was -- I'd make it a little bit more concise than that and --

15 Q Yep.

16 A -- say the goal was to get the legislatures to take a closer look at some of the
17 concerns that had raised about fraud and irregularity, whether that meant a special
18 session or various investigative means, but make sure that everybody has full confidence
19 in the election outcome.

20 Q So -- and we can show you some documents. I'll tell you that when you're
21 discussing the ads it's December, and Giuliani and his team had already done, like,
22 hearings in many of these States that you may recall, which I don't think we've talked too
23 much about, where they put on witnesses and discussed election fraud.

24 How do you -- did you distinguish what these special sessions could be versus
25 what Giuliani was doing in his hearings in the different States?

1 A So, many of the events that the mayor was doing were not official events.
2 They were maybe a caucus event at a random Radisson Hotel down the street. They
3 weren't formal legislative activities, so to speak.

4 Q Okay.

5 A So they didn't count for anything. They're basically just some testimony,
6 and then that was it. But there was nothing that was binding or supported by the
7 legislative body itself.

8 Q Do you know why Giuliani didn't have more formal-type hearings?

9 A I think in most of the States they didn't take it seriously. Or maybe they
10 didn't take the mayor particularly seriously, with a -- again, I remember, I think it was the
11 example in Pennsylvania where it was, like, at a Radisson or a Hilton or something down
12 the street. It wasn't even in the capitol.

13 Q So we can go to exhibit 62. And this is an email from December 7th, 2020,
14 from Larry Weitzner -- I'm not sure if I'm pronouncing that correctly -- from Jamestown
15 Associates. And it's to you and I believe someone maybe named Barney Kell, and the
16 subject is "Script."

17 And if you want to, you know, take a second to read the email.

18 A Yeah. So, reading that -- so Larry Weitzner is the principal at Jamestown
19 Associates, who was the ad maker. Barney Keller is his junior partner. And, of course,
20 Newt Gingrich is Newt Gingrich.

21 Again, I don't recall Newt having that strong of a voice in this process, but -- is
22 what Larry seems to be laying out there, that seems like he was a driving force.

23 Q So you don't recall specific conversations with Newt personally about ad
24 strategy in December and January?

25 A Not that I recall. That's not to say that I never spoke with him, but -- Newt

1 also wouldn't necessarily run everything by me. He had no hesitation to just go in
2 directly to the President.

3 Q Okay. Do you know if Newt was talking -- or, Mr. Gingrich was talking to
4 President Trump about ad strategy in December, January?

5 A If Newt was -- I'm not aware of Larry and Newt really being in regular
6 conversations. So either Larry got pulled into a meeting with Newt or the President was
7 relaying what maybe Newt had said to him.

8 Q Okay.

9 If you look at the last sentence, the last two, Larry says, "I did a rough on this.
10 Boss wants fire breathing but if we do that we won't get it on tv. Tried to balance it
11 out."

12 Do you know who "boss" would be, who he could be referring to?

13 A It'd be the President.

14 Q Okay. And do you know he -- or what did you understand "fire breathing"
15 to mean?

16 A Tough.

17 Q Okay.

18 And in, I guess, the context of election fraud -- and I'll note that, you know, this is
19 a "Stop the Steal" ad; you can tell by the attachment -- do you know what a "fire
20 breathing" ad could mean for that?

21 A Tough, clearly communicated, something that would push toward possible
22 investigations or followup to fairly vet the election results.

23 Q Could "fire breathing" -- did you understand it to mean, like, the type of
24 words used? Like, maybe stronger language, like "stolen" or "rigged"?

25 A I mean, it doesn't specify there. It just says "fire breathing." So I don't

1 know if there was a -- and, clearly, there's not a differentiation there, if that's words or
2 images or music or whatever the case. But I imagine just the overall sentiment of being
3 tough.

4 Q Okay.

5 He follows it by, "but if we do that we won't get it on tv." Do you know what he
6 means by "we won't get it on TV if it's fire breathing"?

7 A I know that there were a number of earlier ad versions -- or, I say
8 "earlier" -- there were a number of ad versions that wouldn't get approved, either
9 because the documentation backing it up wasn't strong enough or if the network just
10 simply didn't want to air something that talked about it.

11 Q Did you have any involvement with respect to the documentation and
12 backup for ads when it, you know, came time to give it to the networks?

13 A Insofar as working with our research and legal teams to make sure that they
14 had reviewed, I would help as far as being an intermediary in that process.

15 Q Uh-huh. And do you recall who was on those teams, you know, by
16 December and, you know, mid-December?

17 A Not entirely, by December. I think there was still -- if it was still Zach
18 Parkinson or, say, Justin Clark on the legal side, but I don't remember precisely. I know,
19 earlier in the campaign, those would be the two primary people that we'd work with.

20 Q And the attachment, it has for the title of ad, "Stop the Steal." At this
21 point, do you recall that the campaign had used "Stop the Steal" in any sort of messaging,
22 you know, by December 7th, 2020?

23 A I don't recall when that became part of the vernacular, so to speak.

24 Q Do you recall that it eventually did become a part of at least some messaging
25 coming from the Trump campaign?

1 A I don't remember to what extent that was a regular part. I know,
2 obviously, it came up a number of times, the President tweeted out along those lines.
3 But I don't remember at what point -- or exactly how widespread the campaign's
4 language of that was. I know a lot of external allies used it pretty frequently.

5 Q If you can go to exhibit 61.

6 So, if you go down a bit, this is December 9th. And someone named Carlos Cruz
7 from Jamestown Associates provides the latest cuts of, looks like, three ads:
8 "Overwhelming," "Stop the Steal," "On Tape."

9 You make an edit, because I think there might have been a typo. And then Larry
10 Weitzner responds, "Should I send the new spots to Newt? He is talking to DJT and
11 Jared on these -- Newt's idea. He has first one. I kind of think I should." And you
12 respond, "Yes."

13 So I'm wondering if this refreshes your recollection a bit about Newt's
14 involvement in these ads and how he was talking to President Trump.

15 A Well, as the email chain here maps out, clearly Newt was involved and had a
16 lot of the ideas here. At the start of our conversation, I didn't recollect that Newt had
17 been that active in pushing it, but it seems to be pretty clear from this case.

18 Q Okay. And "Jared," is that presumably Jared Kushner?

19 A Correct.

1 [7:25 p.m.]

2 BY [REDACTED]:

3 Q Okay. Do you recall his involvement in these ads?

4 A Not particularly.

5 Q So these ads in December and January, do you recall if the RNC was involved
6 at all?

7 A I remember there being some questions about from which pot of money
8 funds were legally allowed to be used, but that's really where I remember the RNC's
9 participation.

10 [REDACTED]. On that point, Mr. Miller, did the President suggest that a certain
11 pot of money be used for ads?

12 The Witness. I don't remember. And I'm not sure he even has that granular of
13 an insight from, say, a campaign-finance-type perspective or preference. So I don't
14 remember him vocalizing, saying a specific pot.

15 [REDACTED]. Thank you.

16 BY [REDACTED]:

17 Q I want to just go quickly to exhibit 63. So this is the "Stop the Steal" script.
18 It's an attachment. If you want to take a look at it. And you can see it's been redlined.

19 A Okay.

20 Q All right. So this was the first draft that Mr. Weitzner had sent to you. So
21 do you think at this point you would've talked to Mr. Weitzner and sent, kind of, some
22 ideas that you had for ads and then he would've put together this script for your
23 comments?

24 A I don't remember, again, between the, kind of, first set of emails and the
25 second set, when you're talking about who all was contributing to the messaging or the

1 direction of them. But Larry's a pretty experienced hand, so once he hears some
2 direction, he's a pretty talented writer and he'd usually put something together and send
3 it around.

4 Q And, then, had Larry done other ads for the campaign at this point?

5 A Yeah. As I said before, he was the lead ad maker for both 2016 and 2020.

6 Q So I had -- and you might not recall. Do you know who did these redlines?
7 We unfortunately had a PDF, so it's unclear who made the edits.

8 A Do not. I'm not typically a redline person. I think that was -- I'm not sure
9 who would've been the redliner here, but -- you don't have that as part of the data,
10 metadata?

11 Q No. Unfortunately, it was just, like, an image of it, so it's unclear who made
12 the edits.

13 If you look towards the paragraph starting, "Instead of voting in person, States
14 rushed mail-in ballots, a recipe for fraud, dead people voting, ballots miraculously
15 conjured out of thin air, Biden ballots added in the middle of the night," do you
16 remember those themes being discussed, you know, to put in an ad?

17 A Not in any great detail. I mean, at a certain point, I would've definitely
18 seen the draft script and the final ad, but I don't remember at what point I saw this or
19 who made the edits, for example.

20 Q Okay. So the "ballots miraculously conjured out of thin air," do you know
21 what that's a reference to?

22 A I don't have the specific sourcing for all the claims in this ad. But,
23 obviously, before the ad was shipped out, it would've gone through research and legal.

24 Q Uh-huh. And how about "Biden ballots added in the middle of the night"?

25 A I mean, that's -- I mean, there are -- that's -- they were counting through the

1 night, so --

2 Q Okay.

3 A -- I don't think that's a particular shock. But, again, I'm not sure, was this a
4 draft version or is this what the final version of the script looked like?

5 Q I think this is an earlier draft, but the final isn't too different. But we can go
6 through that.

7 If you look in the next paragraph, it says, "The American people deserve to know
8 the truth about the rigged and fraudulent election."

9 And I know we talked a bit about that language before. Is this the kind of
10 language -- I guess, once we're into December, to put that kind of language, you know,
11 "rigged and fraudulent," like, what was the intention behind that?

12 A Well, again, since I don't have that clear of a recollection about the process,
13 but --

14 Q Uh-huh.

15 A -- based on the emails that you showed before that there were a number of
16 different voices that were pushing this, I'm not sure exactly who pushed what or if Larry
17 was putting some artistic creativity around some of the specific claims or concerns that
18 people were raising. I can't really speak to that, just seeing what I'm seeing here.

19 Q Okay.

20 Let's go to exhibit 64.

21 Okay. So this is another email from Larry Weitzner to you and Mr. Keller, and
22 the subject is "With Ken edit." And then in the body of the email, he writes, "He really
23 liked it."

24 So my first question is, do you know who Ken is?

25 A Ken Kurson.

1 Q Okay. What was Ken Kurson's involvement in the campaign?

2 A Ally. No formal role, but someone who's an ally of the President
3 and friends with Jared Kushner.

4 Q From what you can recall, was he involved through the entirety of the
5 campaign or more towards, you know, like, December, kind of towards the end?

6 A I didn't recall Ken actually being involved with anything until this point. He
7 would typically be a sounding board sometimes on ads on occasion, or maybe on things
8 like a convention speech or something of that nature, kind of a sporadic, from time to
9 time, on bigger-picture-focus things. but he wasn't someone who I'd say was a
10 day-to-day-type active person.

11 Q Is he someone, to the best of your understanding, that also, you know,
12 would talk to President Trump and provide his advice or maybe serve as a sounding
13 board?

14 A Only if he was brought in by -- only if he was brought in by Jared.

15 Q Okay.

16 And in the email, Larry writes, "He really liked it." Do you know who the "he" is?

17 A I can't tell there if it's -- because I was just reading this -- if that's regarding
18 the President or Ken. Is there a -- is that a reply to something? Was there a earlier
19 email in that chain where we can --

20 Q No, that's the first one.

21 A It's tough to tell without seeing what precipitated that.

22 Q Okay.

23 So let's go to exhibit 65. So this is a script for the "On Tape" ad from Jamestown
24 Associates. And you can, if you want, take a look at it, read the script.

25 A Okay.

1 Q Okay. So it seems from the language this refers to Georgia. Do you think
2 that's accurate?

3 A It says "Georgia" in the first line, so yes.

4 Q Okay.

5 I guess -- well, we had talked briefly about Georgia, and I think it seemed like there
6 was a difference in opinion in how helpful it would be in particular for the runoff elections
7 for the Senators to be talking about election fraud in Georgia. So I'm wondering, how
8 do you think this ad fit in with Georgia and having the runoffs?

9 A I guess -- I'm not clear what you're asking, just --

10 Q So we had talked earlier about Loeffler and Perdue. And by -- you know, I'll
11 scrap that.

12 We'll look at -- if you look at the script, in the second line, it says -- or the first
13 line -- "Election monitors in Georgia were told they were done counting for the night, but
14 when they went home, the dirty work began. Security footage shows poll workers
15 pulling out trunks containing thousands of ballots from overwhelmingly Democrat
16 precincts, and this worker seems to double count votes."

17 Do you know what this is referring to, what incident, if any?

18 A I remember seeing that there was some video that was featured both on
19 cable news quite a bit but, also, as it shows here in the sourcing, The Federalist did a story
20 about it, where there was a polling location and the workers literally pulled out these
21 trunks and seemed to be putting ballots through and then running them through a
22 second time, and it caused quite a dust-up.

23 Q So you point out the sourcing. Is this sourcing that would come from
24 Jamestown or from, like, your research team and legal team?

25 A Yeah, these clips were played over and over on cable television --

1 Q Yep.

2 A -- and so it most likely started with the cable television, and then there were
3 additional stories and followups or postings to YouTube or The Federalist or places like
4 that. But this particular incident was played over and over for days on cable television.

5 Q Right. And I do know the incident you're referring to, and I think it was
6 later debunked by election officials in Georgia. Were you aware of that?

7 A No. Again, I think you're probably a little closer to it than I am. I don't
8 remember seeing that particular followup data point.

9 Q Okay.
10 Do you know, kind of, the process that your research and legal teams did when it
11 came to substantiation for ads and messages?

12 A I mean, did I micromanage what they came to? No. But, I mean, they're
13 very thorough researchers. And, again, there was a research component to back
14 something up, see if it passes the smell test. And then there's the legal review to make
15 sure that everything that's being said was legally compliant.

16 Q Okay. And I'm not asking if you micromanaged, but would you typically
17 look over to see if things were, you know, footnoted or they had links to an article or
18 something to back up a statement in an ad?

19 A I had a high degree of confidence in the research team, and I'd say that the
20 research team was typically much closer to, say, the Justin Clark/Matt Morgan school of
21 thought. And so, if they approved something, then I had a higher degree of confidence
22 that they felt at least it passed the initial barrier. But then, of course, there was a legal
23 review, which looked at it through a different lens.

24 Q We briefly talked about him earlier, but Michael Roman, was he a part of,
25 like, the research or legal teams or anything to do with looking up to back up certain

1 claims?

2 A So Mike's not someone who I know particularly well. I know he was active
3 in Philadelphia or Pennsylvania, and at some point he was doing some searching or
4 looking for specific examples of fraud or irregularities. But exactly who he reported to
5 and what his structure was, I can't really speak to that.

6 Q But is it fair to say he was working more, like, Trump campaign versus, like,
7 the Giuliani component of the team?

8 A I don't think I know enough about his work responsibilities or work product
9 to qualify that.

10 Q Okay.

11 In this, if you look at this script, it says, "Client: Republican National Committee."
12 And at the bottom, it says, "The Republican National Committee is responsible for this
13 advertising."

14 Do you know if the RNC ended up paying for this ad?

15 A I don't remember what the ultimate decision was with regard to funding
16 allocation. I know it was debated back and forth. I don't remember what the end
17 result was.

18 Q Do you recall receiving any pushback from the RNC for putting out ads in
19 December?

20 A To the best of my memory, I think Jared would frequently have the
21 conversations with Chairman McDaniel. I don't remember if that was always the case.

22 Q Okay.

23 Let's go to exhibit -- let's see -- 66. This is a December 8th email. So they're all
24 kind of around the same time period, 6th, 7th, 8th.

25 Did you want to take a second to read the email?

1 A Okay.

2 Q Okay. So I read this email and it seems like Mr. Gingrich has a strong
3 opinion on the direction of these ads. What do you recall about how he felt about the
4 ads that the campaign was thinking about in December?

5 A So, until I read this, I didn't have any real recollection of what he thought
6 about the ads, but -- I mean, most of his advice was all Captain Obvious-type
7 recommendations.

8 Q Uh-huh. So can you just explain it to me, as a non-media person, what
9 "Captain Obvious" means?

10 A Meaning, what Newt is saying when he's talking about things like "check the
11 facts" and putting all these different details out, I think he wanted specific examples to
12 just magically appear, where I think the ad maker was doing the best he could with what
13 he had.

14 Q Okay.

15 Do you recall, was Mr. Gingrich one of the people who thought that there was still
16 a chance for Trump to win the election in December? Do you recall him ever saying that
17 to you?

18 A I don't remember him saying that, but if he was suggesting the ads and
19 having discussions about the Supreme Court taking action, clearly he thought there was
20 some pathway.

21 Q Okay.

22 So he says, you know, "We are mad and we want action. The less Trump and the
23 more facts the better. The goal is to arouse the country's anger through new verifiable
24 information the American people have never seen before."

25 Did you agree that the goal was to arouse anger with these ads?

1 A I think the goal was to get these legislatures to take action, and the only way
2 that that would happen is if their constituents started calling them and telling them to
3 take action.

4 Q Were there certain messages that you thought were more likely to get
5 people to call their legislatures to take action?

6 A I don't remember the specificity of saying, this one is better than the others.
7 There are tactical implementation factors, such as "call your legislature" or -- that type of
8 thing that obviously can help lead to higher engagement.

9 Q Okay. And, sorry, when you say "tax bill," like, it will affect people's taxes if
10 Biden wins? Is that what you're referring to?

11 A Oh, I didn't -- late in the day. Tactical implementation.

12 Q Oh.

13 A I'm sorry if I wasn't clear.

14 Q Oh, no problem. I probably just misheard you.

15 So, towards the bottom, he says, "If we inform the American people in a way they
16 find convincing and it arouses their anger, they will then bring pressure on legislators and
17 governors."

18 So I know you've mentioned legislators. What do the Governors have to do with
19 it, your understanding?

20 A I don't know on a State-by-State basis if Governors have the ability or have
21 to approve calling special sessions of the legislature. You're probably people who study
22 it much closer than I do. But that rings a bell.

23 Q Okay. Do you recall if around this time there was an effort to call up
24 personally State legislators and Governors to get them to call these special sessions?

25 A There was a pretty well-documented effort that the Giuliani legal team was

1 doing as far as reaching out to legislators from places like Michigan and Pennsylvania. I
2 don't know the intricacies of every single aspect of outreach, but there clearly was a -- at
3 least in several States, a significant amount.

4 Q Was it your understanding it was just the Giuliani team doing that, or were
5 there others doing that, as well, as part of the campaign?

6 A Well, certainly there, in a couple of cases, were meetings that the President
7 had. I know Michigan. And then also a few legislators came down from Pennsylvania
8 after that Rudy Giuliani off-campus event that he did. You had previously raised a
9 question about Jim Jordan and Scott Perry being in Pennsylvania. I couldn't speak to
10 everything.

11 Q Okay.

12 He also mentioned -- and I think you said this as well -- the idea of, like, new,
13 verifiable information that the American people had never seen. Do you know what he
14 was referring to?

15 A Not in that specific sentence, no.

16 Q Was there new information that you were aware of, you know, at this time,
17 which would've been, you know, December 8th, 2020?

18 A I can't speak to my exact thinking on that date and what I knew or didn't
19 know at that point.

20 Q Do you know whether Mr. Gingrich was doing, like, his own investigation
21 looking into fraud in different States?

22 A I don't know. You'd have to ask the former Speaker that.

23 Q Okay.

24 ██████████. ██████████, did you have some questions?

25 ██████████. I do have some followup on some of these scripts that we've been

1 going over.

2 BY [REDACTED]:

3 Q So, in these scripts that are drafted that are titled "Overwhelming" and "Stop
4 the Steal," "On Tape," and "Stolen," you referenced the clips that had been playing on
5 cable news networks and elsewhere about, kind of, the suitcase of ballots. Do you know
6 what I'm talking about when I refer to that?

7 A Yes.

8 Q Okay. And those ended up appearing -- those clips ended up appearing in
9 ads that were released by the campaign, correct?

10 A I believe in ads that ran -- I don't remember if they ran just in Georgia or in
11 other places, but that sounds right.

12 Q Okay. And some of them were posted -- I'm looking at a few that were
13 posted in December -- I believe one was on or about December 11th and
14 December 23rd -- that follow, you know, the scripts, or at least one of the scripts here. I
15 think the "Overwhelming" ad went up on the 11th and maybe the "Stop the Steal" ad in
16 late December.

17 But what I want to ask you about is, kind of, the timeline of events. Because the
18 suitcase theory, to my understanding, first showed up on December 3rd when Rudy
19 Giuliani mentioned it in a Senate Judiciary Subcommittee in Georgia, and then it appeared
20 on the President's personal YouTube account later that day.

21 And I'm just going through this background setting up a question, but the Georgia
22 secretary of state -- by 6:41 the next morning, Gabriel Sterling said that that clip is really
23 taken out of context and this is nothing more than just regular election activity and
24 counting activity.

25 And then, ultimately, they released a full surveillance video of that absentee

1 counting facility to an outlet, and that outlet reported that, no, this is really just normal
2 ballot counting activity. And then the secretary of state, or Mr. Sterling, said the same
3 thing a few days later on December 7th.

4 So it looks like that this had been debunked, and widely, publicly debunked, about
5 this dump of suitcase ballots.

6 How did that, the comments from the Georgia secretary of state's office and the
7 widely debunking the suitcase ballot theory, how did that affect the messaging? Did you
8 consider it or did the messaging team consider that when deciding to go through with
9 these ads anyway and claim that there's suitcases of ballots that were fraudulently
10 added?

11 A I don't recall to what extent the -- how widespread the pushback was or if
12 there were continued disagreements with Sterling's analysis of the video. That's just
13 something I don't remember at this point.

14 Q Okay.

15 Now, I understand that the President may have actually signed off on these, or at
16 least you took them to the President. Do you remember showing him the
17 advertisements in December about the suitcase ballot issue?

18 A I don't remember getting approval on that specific ad, whether that was me
19 or if somebody else on the team showed that to him. But, to the best of my memory, all
20 ads were shown to him before they aired.

21 Q Okay. And for the purpose of approval?

22 A Correct.

23 Q Okay.

24 And I would just go to exhibit 68 very briefly. This is a December 9th email from
25 you to Larry Weitzner and Ken Kurson. You talk about some of these ads and say,

1 "When might we see cuts of the other two spots, since I have to go show POTUS this
2 afternoon, where we'll call you up?"

3 This would be an example of you going to show the President and seek his
4 approval on advertisements that are being contemplated?

5 A From the looks of this email, yes.

6 Q Okay. Thank you.

7 [REDACTED]. We're just going to take a 30-second break. I understand our
8 video may be out. Can you see us?

9 The Witness. I do not see you. I saw the exhibits, but I do not see you at the
10 moment.

11 [REDACTED]. Okay.

12 Mr. Muyskens. We're okay not seeing you. We can hear you.

13 [REDACTED]. I hear that a lot. Very good.

14 [REDACTED]. We're close to the end anyway.

15 [REDACTED]. We are close to the end.

16 [REDACTED]. Yeah, let's keep going.

17 [REDACTED]. Just one moment.

18 [Discussion off the record.]

19 BY [REDACTED]:

20 Q So let's turn to exhibit 71. So this is an email from you to John McLaughlin,
21 December 20th, 2020. The subject is "Specific phrases and things he's worried about."

22 And then in the body of the email: "Do you think the machines should be
23 inspected? Should legislatures be calling special sessions to hear examples of voter
24 fraud?"

25 Do you recall this email?

1 A Vaguely.

2 Q Okay. What can you tell us about the context of this email?

3 A Around this time, I seem to remember having a conversation with John
4 McLaughlin about whether or not there should be any polling. And I don't remember if
5 John was already doing some polling that wasn't specific to the Trump effort or if we
6 wanted him to do something. But those were a couple of things I'd heard the President
7 discuss, and I was sharing that with John.

8 Q Okay. So the "he" in the subject, that's President Trump?

9 A Correct.

10 Q Okay. So what do you recall him telling you with respect to, you know,
11 machines being inspected and legislatures calling special sessions?

12 A As far as the President or John McLaughlin?

13 Q The President.

14 A I think I was in the Oval Office on a couple of occasions where just the
15 broader issue of machines being picked up and inspected was discussed, or maybe it was
16 relayed to me secondhand, or a combination thereof.

17 And then -- I mean, we'd been talking about the special sessions for legislatures
18 for weeks now, by that point, so I'm not sure that was anything new, necessarily.

19 Q Okay. And what can you remember about the conversation where
20 machines being inspected was brought up with President Trump? What did he say?

21 A From what I can remember, it was that somebody was suggesting that
22 machines be picked up and inspected to see if there -- it was kind of a recycled -- or
23 revisiting of some of the Dominion conversations from the previous month.

24 Q Did President Trump tell you that he was considering having machines be
25 picked up and inspected?

1 A To the best of my memory, I thought that there was -- I'd maybe been in one
2 conversation where he was ruminating about it or discussing it or maybe brought it up to
3 Chief of Staff Meadows, but I don't remember an outcome.

4 Q And do you recall, was this one conversation, more than one conversation,
5 from what you can remember?

6 A I don't recall. I don't recall if it was one conversation or if it was -- if there
7 was a followup to it. But, obviously, it stuck in my head.

8 Q Okay. And would that conversation, to the best of your recollection, do
9 you think it would've been around the time of this email, which was December 20th?

10 A Most likely, if I was sharing something like that, it must've been something
11 that was contemporaneous to whatever the President was discussing in conversations.

12 Q Okay. And just so the record's clear, "machine" would be, like, voting
13 machines. Is that right?

14 A Correct.

15 Q Okay. Did President Trump say where these voting machines were located
16 that he was considering --

17 A I don't remember --

18 Q -- having inspected?

19 A I don't remember a protracted conversation on it. I just remember at a
20 more, kind of, cursory level.

21 Q Okay. So did you say you recall Chief Meadows was in the room?

22 A To the best of my memory, I think for at least one conversation the chief
23 was.

24 Q Okay. Do you recall who else was in the room?

25 A No.

1 Q Okay. And do you know why or did President Trump share with you why
2 he was discussing, you know, machines being inspected? Did he want you to do
3 something?

4 A I don't recall being asked anything about machines being inspected. That
5 certainly wasn't something that I would've had any engagement with.

6 Q Okay. Do you know whether President Trump was talking to other people
7 about what to do for, you know, potentially having machines be inspected?

8 A I don't know ultimately who all he was having that conversation with.

9 Q Okay. Did President Trump ask you to do polling on whether machines
10 should be inspected?

11 A Unlikely.

12 Q Okay. And why do you say "unlikely"?

13 A He just wasn't as big of a fan of doing polling as I was.

14 Q Okay.

15 So do you know why you sent this -- do you recall why you sent this email to
16 John McLaughlin?

17 A Not exactly. Just have a vague recollection that we discussed possibly
18 doing some polling around that time period, or maybe John had a poll that was going out,
19 and he might have the ability to add questions or something of that nature.

20 Q And in the subject, you say, "Specific phrases and things he's worried about."
21 Can you just tell us a little bit more about what was the worry? What was the concern
22 specifically for the machines?

23 A Well, "worried" could've meant a number of different things. Could've just
24 been something that he was focused on, for example. I don't remember the precise
25 context.

1 Q Okay.

2 It's been widely reported that, just a few days before the day of this email, there
3 was a meeting in the Oval Office where, reportedly, machines being seized were
4 discussed.

5 Did you ever hear about that meeting, you know, around that time, you know,
6 separate from any reporting that happened?

7 A Again, as I explained earlier, a lot of times, meetings would start and stop
8 and people would come in or come out, or they might stretch over hours or days. So I
9 don't remember a specific, set meeting saying, "This is the meeting to discuss machines,"
10 for example.

11 Q Well, whether or not there was a meeting set to discuss it, do you recall
12 hearing that a meeting happened where that was discussed, seizing machines?

13 A I don't remember hearing about a formal meeting.

14 Q Okay. How about an informal meeting?

15 A Other than what I may have heard, I don't remember anything in particular.

16 Q I'm sorry. When you say other than what you may have heard, are you
17 talking about the public reporting or something else?

18 A No. I just remember at a certain point clearly there was some mention of
19 machines being inspected, and I relayed that to the pollster.

20 Q Okay. And "some mention" being at least from President Trump you heard
21 that?

22 A Correct.

23 Q Okay.

24 We haven't talked too much about her, but Ms. Powell, Sidney Powell, has come
25 up a few times. Do you know if she was someone who was talking about seizing

1 machines around this time?

2 A She was in and then out and then in and then out a couple of times, and I
3 didn't keep track.

4 Q Okay. And what do you mean, "in and out, in and out"?

5 A Well, she wasn't part of the campaign originally, and then she came in and
6 participated in the November press conference, and then was shown the door. And
7 then, at some point, she came in for some December meeting, and that's been widely
8 reported on.

9 Q Okay. And that's the one we were talking about with the seizing machines,
10 one of the issues that has been -- was reportedly discussed.

11 A I'm sorry. Was that -- what was your question?

12 Q I'm just confirming that was the meeting where reportedly machines being
13 seized was discussed?

14 A Okay. I didn't remember if that was the meeting with her or what the
15 dynamics of that were.

16 Q Okay.

17 Do you recall how she became out of the campaign -- Ms. Powell?

18 A Yeah, I think via statement.

19 Q Did you have any role in that statement?

20 A Yes.

21 Q Okay. What was your role?

22 A To tell the President that he needed to jettison her as far away as possible.

23 Q Did you personally tell President Trump to fire her?

24 A I don't know if she was ever actually hired --

25 Q Okay.

1 A -- but I believe that he had announced saying that she was part of the team
2 by tweet. And then I don't remember if it was a statement or by tweet that she was
3 then shown the door, but it was just, I think, a few days -- it may have been a
4 Saturday -- after the press conference.

5 BY [REDACTED]:

6 Q Just to confirm, did you have a conversation with President Trump about
7 Ms. Powell?

8 A Yes.

9 Q Okay. And what did you tell President Trump?

10 A She was terrible. He needed to get rid of her.

11 Q And what -- what did he say, to the best of your recollection?

12 A He didn't necessarily disagree.

13 Q Did he ask for why you thought that?

14 A Yeah. And I said, best of my memory, she was attacking Georgia Governor
15 Brian Kemp at that time, and that wasn't helpful.

16 Q And why wasn't it helpful? Can you elaborate on that?

17 A He was a Governor from the same party.

18 Q Okay. And he's the Georgia Governor. Is that right?

19 A Correct.

20 Q Okay. So I guess what you let -- you -- you mentioned attacks against
21 Governor Kemp. Was there any other things that you mentioned to President Trump
22 about Ms. Powell and why she should be fired or distanced?

23 A She was continuing to get lampooned for the RNC press conference.

24 Q And did President Trump agree with that?

25 A Yes.

1 Q And then do you recall, like, was it the same day that you talked to
2 President Trump she was fired, or do you recall the sequence?

3 A I think it may have been the next day. I don't remember exactly.

4 Q And was it an in-person meeting when you -- when you talked to
5 President Trump about Ms. Powell?

6 A I don't recall.

7 Q Okay. And then you said that she was back in. Did you know she was in
8 until it was reported that she, like, had made it to the Oval Office, or that she was in?

9 A I -- to the best of my memory, I found out from Mayor Giuliani a couple of
10 days later.

11 Q Did --

12 A Or a couple days after.

13 Q Excuse me. A couple of days after -- after what?

14 A After this meeting that you -- Rudy Giuliani -- this widely reported meeting
15 that he had with -- I think it was Sidney Powell, and I think there was like Mike Flynn, a
16 bunch of other people, to the best of my memory.

17 Q Going back to exhibit 71, do you recall whether any polling was done around
18 specifically should -- do you think machines should be inspected?

19 A Not that I'm recalling at the moment.

20 Q Okay. Do you recall any further conversations with Mr. McLaughlin about
21 polling on should machines -- you know, do you think machines should be inspected?

22 A No.

23 Q Okay. So do you think it just maybe died on the vine here?

24 A I couldn't tell you.

25 Q Okay. Do you recall further conversations with -- with Trump, maybe closer

1 to January, about whether machines should be inspected?

2 A I don't remember later conversations going into January.

3 Q Did you ever talk to Mr. Meadows about machines and whether they should
4 be inspected?

5 A I don't remember having a specific conversation about machines.

6 Q Okay. How about anyone else in the White House, setting aside, you know,
7 Trump and Chief Meadows?

8 A I just don't recall.

9 Q Okay.

10 BY [REDACTED]:

11 Q Very quickly, Mr. Miller. I have a couple more questions.

12 You mentioned a conversation that you had where Mr. Meadows was present,
13 and the President was also there, about picking up and inspecting voting machines.

14 Did the President present this as a question, like "do you think I should do this" or
15 "we should do this," or did he present it as a proposal, "we should do this"? Do you
16 remember?

17 A To the best of my knowledge, it was something that was said in passing, and
18 I believe Chief Meadows said something to the effect of "we'll talk about that later," or I
19 may even at one point been asked to leave. I don't remember exactly.

20 Q Okay. And, in that brief conversation, did the President indicate who
21 would do the inspection, like DHS or DOD, or anybody else?

22 A To the extent that I can remember anything, I thought it was DOJ. I think
23 that may have been why Meadows asked me to leave.

24 Q Understood. We talked a little bit earlier about the President approving ad
25 content, and we looked at a text message where you sent kind of ad buy numbers to the

1 chief of staff. Do you know if the President would approve amounts to spend on
2 advertising?

3 A Sometimes they'd be discussed, but I -- in the cases we were talking about, I
4 don't remember a specific detail to what level that conversation went.

5 Q Did he ever reject ad buys because it was too much money?

6 A Certainly at various points throughout the 2020 campaign and --

7 Q And we talked a little bit about these overwhelming and "stop the steal" ads
8 in the December timeframe. Do you know if he approved the buy for those ads?

9 A I remember at least one conversation that happened with him where there
10 was a discussion about what bucket of funds that would come from, what the -- I
11 remember there was a conversation about the -- what ultimately was the legality from a
12 campaign finance aspect side of things. And those were all decisions that the lawyers
13 then had spoke about and had come to conclusion.

14 Q On those ads in particular, the overwhelming -- the "stop the steal" ads, or
15 just in general?

16 A I'm sorry. Would you please restate that. You cut out about halfway
17 through.

18 Q Yeah. I'm sorry. I actually stopped, so I apologize for not being clear.

19 Were those -- those conversations you just described about what bucket of money
20 that would be used to buy certain ads, were they about the overwhelming and "stop the
21 steal" ads we had described or discussed earlier that were developed in mid-December?

22 A It was with regard to some of the post-election "call your legislature" type
23 ads. But I don't remember if, at the time, were those -- were those conversations or
24 that conversation about money? Did that happen before any of the scripts or anything
25 were shown, or was it later? I don't remember the sequencing.

1 Q Okay. And was the President attuned to the issue of how successful the
2 ads were in bringing in money?

3 A Wait, what?

4 Q Was he aware of how successful certain ads or ad campaigns were in
5 bringing in money?

6 A What do you mean "bringing in money"?

7 Q People can donate based on ads, right?

8 A Well, those -- typically those are, say, digital ads or emails or things of that
9 nature, but not from TV ads.

10 Q Yep. So --

11 A There was usually pretty poor return on direct TV type efforts.

12 Q Okay. So the effort in digital, were you aware of that as far as ad spending
13 and buying was concerned?

14 A As far as for the specific purpose of fundraising?

15 Q Correct.

16 A May have heard a little bit about it here or there, but that was a different
17 division of the political apparatus, and they usually did not run things by me for approval.
18 I mean, maybe on occasion, I might see something, but they had their own kind of
19 schedule and efforts.

20 Q And was there an effort to start using more and more digital ads and text
21 messages or otherwise, emails?

22 A I guess I'm not understanding quite the context of what you're saying.

23 Q Sure.

24 [REDACTED]. Yeah. And maybe I can jump in.

25 [REDACTED]. Yeah.

1 BY [REDACTED]:

2 Q So was it your understanding, Mr. Miller, that it was the RNC that was
3 primarily responsible for digital fundraising during the campaign -- the 2020 fall campaign
4 before the election?

5 A I knew that the RNC had fundraising efforts, but the campaign certainly
6 had -- I mean, the campaign certainly had digital efforts as well.

7 Q All right. And do you know what happened to the campaign's digital
8 fundraising effort after the election?

9 A I know that there were still continued efforts to raise money, and some went
10 toward, from what I recall the conversations, debt retirement. Some things went
11 toward legal efforts. But, again, not being a campaign finance person, not being a
12 campaign lawyer, that's about what I remember.

13 Q Yeah. So is it fair to say that the fundraising for the Trump campaign
14 essentially became a fundraising for the effort to "stop the steal" or the efforts to
15 challenge the election result effort? Has that become the main focus of the
16 fundraising -- digital fundraising apparatus?

17 A I don't recall with enough specificity as to what the focus of those efforts
18 were.

19 Q Do you remember any strategy discussions about the intentionality of that,
20 of raising money for these, as you described them, debt retirement or legal efforts with
21 respect post-election?

22 A Not with a great deal of detail.

23 Q Do you know who made that decision or who would have been involved in
24 that decision?

25 A The digital efforts were led by Gary Coby in coordination with the campaign's

1 legal team.

2 Q Okay. So Gary Coby was the person whose overall -- had overall
3 responsibility for the digital effort?

4 A Yes.

5 Q And was that true both pre- and post-election?

6 A To the best I remember.

7 Q Do you have any visibility into the amount of money that was raised after
8 the election through the digital fundraising effort by Coby and his team?

9 A Not exactly, no.

10 Q In a ballpark sense?

11 A I just remember it being a large number, but I don't remember what that
12 was.

13 Q In the hundreds of millions of dollars? Do you have any -- ever hear of
14 anything like that magnitude?

15 A I mean, certainly I've heard a lot of numbers thrown out, but I don't
16 remember.

17 Q I mean, do you have any visibility as to whether or not the digital ads went
18 through the same research and legal vetting process that you described for the broadcast
19 ads?

20 A I can't speak to their approval process.

21 Q Do you have any idea as to whether there was any such approval process for
22 digital content?

23 A Again, I can't speak to their efforts or their process.

24 Q All right. And you've mentioned a couple of things to which the
25 post-election fundraising was devoted -- debt retirement, legal. Anything else that you

1 recall?

2 A Just remember the lawyers had all these specific categories for things, but
3 I -- not things I committed to memory.

4 Q Okay. Did you know whether or not Mr. Giuliani or anyone who worked for
5 him was getting paid -- was paid any fees for their legal work?

6 A There was some public discussion about that. I think the mayor was
7 ultimately reimbursed expenses only, I believe.

8 Q Yeah. So, out of hundreds of millions of dollars that was raised, did some
9 of that go to pay his expenses, as far as you know?

10 A I wasn't the one cutting the check, so I don't know the exact mechanics or
11 buckets of money.

12 Q Okay. Any other specific destination for that money beyond the two that
13 you've mentioned that you're aware of? And I understand that that wasn't your primary
14 area of responsibility.

15 A Not that I recall.

16 Q Okay. And anyone else besides Gary Coby specifically involved in that
17 effort, the digital fundraising effort? Do you remember any other people that worked
18 with him.

19 A I don't really remember any of the names, the people that worked for him.

20 Q Okay.

21 [REDACTED]. That's all I have. Thank you.

22 [REDACTED]. I think we're at a stopping point here, Mr. Miller, but I do want to
23 open it up to you, if there is anything we haven't covered that you think is helpful to the
24 committee as we do our work to investigate what happened related to January 6th and
25 the events leading up to it and including that day itself.

1 So is there anything that you think we should know?

2 Mr. Muyskens. You know, we will reconvene based on the questions we've
3 heard today, and we will get back to you if we think of anything that is material.

4 [REDACTED]. Okay. I appreciate that, Mr. Muyskens. And I will be in touch
5 with you as well about some of the document production. I shouldn't say "issues," but
6 just the questions that I had.

7 So we can --

8 Mr. Muyskens. Certainly.

9 [REDACTED]. -- do that certainly another time, but we had been going here for a
10 while, so unless there is anything not --

11 Mr. Muyskens. No. You did say it would only be 45 minutes, so I think
12 we're -- oh, wait, no we're not. Very -- please call me tomorrow. I will help you any
13 way I can. We will assist. If you have more questions, feel free to follow up. So
14 please don't -- don't -- my snippy remark about how long this has gone, I apologize, but
15 we -- we're happy to help.

16 [REDACTED]. No, that's great. And I appreciate both you and Mr. Miller being
17 here.

18 So, with that, I think we can go off the record.

19 [Whereupon, at 8:18 p.m., the deposition was recessed, subject to the call of the
20 chair.]

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Certificate of Deponent/Interviewee

I have read the foregoing ____ pages, which contain the correct transcript of the answers made by me to the questions therein recorded.

Witness Name

Date